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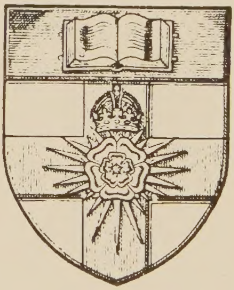

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HANSARD'S
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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

20° VICTORIÆ, 1857.

VOL. CXLV.

COMPRISING THE PERIOD FROM

THE THIRTIETH DAY OF APRIL, 1857,

TO

THE EIGHTEENTH DAY OF JUNE, 1857.

First Volume of Session 1857 (b).

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III. New Members Sworn.

Friday, June 5.

Penryn and Falmouth—Thomas George Baring, esq., Lord of the Admiralty, re-elected.

Reading—Henry Singer Keating, esq., Solicitor General, re-elected.

Tuesday, June 9.

Leeds—George Skirrow Beecroft, esq., *v.* Robert Hall, esq., deceased.

Monday, June 15.

Kerry—Henry Arthur Herbert, esq., Chief Secretary to the Lord Lieutenant of Ireland, re-elected.

BY THE QUEEN.

A PROCLAMATION

For Dissolving the present Parliament, and declaring the Calling of another.

VICTORIA R.

WHEREAS We have thought fit, by and with the Advice of Our Privy Council, to dissolve this present Parliament, which was this Day prorogued and stands prorogued to *Thursday* the Thirtieth Day of *April* next: We do, for that End, publish this Our Royal Proclamation; and do hereby dissolve the said Parliament accordingly; and the Lords Spiritual and Temporal, and the Knights, Citizens, and Burgesses, and the Commissioners for Shires and Burghs, of the House of Commons, are discharged from their Meeting and Attendance on the said *Thursday* the Thirtieth Day of *April* next: And We, being desirous and resolved, as soon as may be, to meet Our People, and to have their Advice in Parliament, do hereby make known to all Our loving Subjects Our Royal Will and Pleasure to call a new Parliament: And do hereby further declare, that, with the advice of Our Privy Council, We have given Order that Our Chancellor of that Part of Our United Kingdom called *Great Britain* and Our Chancellor of *Ireland* do respectively, upon Notice thereof, forthwith issue out Writs, in due Form and according to Law, for calling a new Parliament. And We do hereby also, by this Our Royal Proclamation under Our Great Seal of Our United Kingdom, require Writs forthwith to be issued accordingly by Our said Chancellors respectively, for causing the Lords Spiritual and Temporal, and Commons, who are to serve in the said Parliament, to be duly returned to, and give their Attendance in, Our said Parliament; which Writs are to be returnable on *Thursday* the Thirtieth Day of *April* next.

Given at Our Court at *Buckingham Palace*, this Twenty-first Day of *March*, in the Year of Our Lord One thousand eight hundred and fifty-seven, and in the Twentieth Year of Our Reign.

GOD SAVE THE QUEEN.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Viscount Palmerston.
Lord Chancellor	Right Hon. Lord Cranworth.
President of the Council	Right Hon. Earl Granville.
Lord Privy Seal	Right Hon. Earl of Harrowby.
Home Secretary	Right Hon. Sir George Grey, Bt.
Foreign Secretary	Right Hon. Earl of Clarendon.
Colonial Secretary	Right Hon. Henry Labouchere.
War Secretary	Right Hon. Lord Panmure.
Chancellor of the Exchequer	Right Hon. Sir George Cornewall Lewis, Bt.
First Lord of the Admiralty	Right Hon. Sir Charles Wood, Bt.
President of the Board of Control	Right Hon. Robert Vernon Smith.
President of the Board of Trade	Right Hon. Lord Stanley of Alderley.
Chancellor of the Duchy of Lancaster	Right Hon. Matthew Talbot Baines.
Postmaster General	His Grace the Duke of Argyll.
	Most Hon. Marquess of Lansdowne.

NOT IN THE CABINET.

General Commanding-in-Chief	H.R.H. the Duke of Cambridge.
Paymaster of the Forces and Vice-President of the Board of Trade	Right Hon. Robert Lowe.
First Commissioner of Works and Public Buildings	Right Hon. Sir Benjamin Hall, Bt.
Lords of the Treasury	Right Hon. Viscount Monck, Viscount Duncan, and Hon. Henry Bouverie William Brand.
Lords of the Admiralty	Vice Admiral Right Hon. Sir Maurice Frederick Fitzhardinge Berkeley, K.C.B., Rear Admiral Henry Eden, Rear Admiral Peter Richards, C.B., Captain Alexander Milne, and Sir Robert Peel, Bt.
Under Secretary for the Home Department	William Nathaniel Massey, Esq.
Under Secretary for Foreign Affairs	Right Hon. Earl of Shelburne.
Under Secretary for the Colonies	John Ball, Esq.
Joint Secretaries for War	Sir John William Ramsden, Bt. Sir Benjamin Hawes, K.C.B.
Joint Secretaries of the Treasury	Right Hon. William Goodenough Hayter and James Wilson, Esq.
Secretary of the Admiralty	Ralph Bernal Osborne, Esq.
Joint Secretaries of the Board of Control	Sir George Russell Clerk, K.C.B., and Henry Danby Seymour, Esq.
Attorney General	Sir Richard Bethell, Knt.
Solicitor General	Right Hon. James Archibald Stuart Wortley.
Judge-Advocate General	Right Hon. Charles Pelham Villiers.
Chief Commissioner of the Poor Law	Right Hon. Edward Pleydell Bouverie.
President of the Board of Health	Right Hon. William Monsell.
Vice President of the Committee of Privy Council for Education	Right Hon. William Francis Cowper.
Secretary to the Poor Law Commissioners	Charles Lennox Grenville Berkeley, Esq.

SCOTLAND.

Lord Advocate	Right Hon. James Moncreiff.
Solicitor General	Edward Francis Maitland, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Carlisle.
Lord Chancellor	Right Hon. Maziere Brady.
Chief Secretary	Right Hon. Edward Horsman.
Attorney General	Right Hon. John David Fitzgerald.
Solicitor General	Jonathan Christian, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Right Hon. Earl Spencer.
Lord Chamberlain	Most Hon. Marquess of Breadalbane.
Master of the Horse	His Grace the Duke of Wellington.
Master of the Buckhounds	Right Hon. Earl of Bessborough.
Vice-Chamberlain	Right Hon. Lord Ernest Augustus Charles Brudenell Bruce.
Treasurer of the Household	Right Hon. Earl of Mulgrave.
Comptroller of the Household	Right Hon. Viscount Castlerosse.
Captain of the Yeomen of the Guard	Right Hon. Viscount Sydney.
Captain of the Corps of Gentlemen at Arms	Right Hon. Lord Foley.
Chief Equerry and Clerk Marshal	Lord Alfred Henry Paget
Mistress of the Robes	Duchess of Sutherland.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

In the *First Session* of the *Seventeenth Parliament* of the United Kingdom of *Great Britain* and *Ireland.*

20 VICTORIÆ, 1857.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest; and so, when the House sends a Committee to a Conference with the Commons, the Lord highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness The Prince of Wales.

His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)

His Royal Highness George William Frederick Charles Duke of Cambridge.

John Bird Archbishop of Canterbury.

Robert Monsey Lord Cranworth, *Lord Chancellor.*

Thomas Archbishop of York.

John George Archbishop of Armagh.

Granville George Earl Granville, *Lord President of the Council.*

Dudley Earl of Harrowby, *Lord Privy Seal.*

Henry Granville Duke of Norfolk, *Earl Marshal of England.*

Edward Adolphus Duke of Somerset.

Charles Duke of Richmond.

Henry Duke of Grafton.

Henry Charles Fitzroy Duke of Beaufort.

William Amelius Aubrey de Vere Duke of Saint Albans.

Francis Godolphin D'Arcy Duke of Leeds.

Francis Duke of Bedford.

William Spencer Duke of Devonshire.

George Duke of Marlborough.

Charles Cecil John Duke of Rutland.

William Alexander Anthony Archibald Duke of Brandon. (*Duke of Hamilton*).

William John Duke of Portland.

William Drogo Duke of Manchester.

Henry Pelham Duke of Newcastle.

Algernon Duke of Northumberland.

Arthur Richard Duke of Wellington.

Richard Plantagenet, Duke of Buckingham and Chandos.

George Granville Duke of Sutherland.

Henry Duke of Cleveland.

John Marquess of Breadalbane, *Lord Chamberlain of the Household.*

John Marquess of Winchester.

George Marquess of Tweeddale. (*Elected for Scotland.*)

Henry Marquess of Lansdowne.

John Marquess Townshend.

James Brownlow William Marquess of Salisbury.

John Alexander Marquess of Bath.

James Marquess of Abercorn.

Richard Marquess of Hertford.

John Patrick Marquess of Bute.

Brownlow Marquess of Exeter.

Charles Marquess of Northampton.

George Charles Marquess Camden.

Henry Marquess of Anglesey.

George Horatio Marquess of Cholmondeley.

Henry Weysford Charles Plantagenet Marquess of Hastings.

George William Frederick Marquess of Ailesbury.

George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)

Frederick William Marquess of Bristol.

Archibald Marquess of Ailsa.

John Marquess of Breadalbane. (*In another place as Lord Chamberlain of the Household.*)

Richard Marquess of Westminster.

Constantine Henry Marquess of Normanby.

James Andrew Marquess of Dalhousie.

Frederick Earl Spencer, *Lord Steward of the Household.*

——— Earl of Shrewsbury.

Edward Geoffrey Earl of Derby.

Francis Theophilus Henry Earl of Huntingdon.

Robert Henry Earl of Pembroke and Montgomery.

William Earl of Devon.

Charles John Earl of Suffolk and Berkshire.

William Basil Percy Earl of Denbigh.

John Earl of Westmoreland.

George Augustus Frederick Albemarle Earl of Lindsey.

George Harry Earl of Stamford and Warrington.

George William Earl of Winchilsea and Nottingham.

George Earl of Chesterfield.

John William Earl of Sandwich.

Arthur Algernon Earl of Essex.

James Thomas Earl of Cardigan.

George William Frederick Earl of Carlisle.

Walter Francis Earl of Doncaster. (*Duke of Buccleuch and Queensberry.*)

Anthony Earl of Shaftesbury.

——— Earl of Berkeley.

Montagu Earl of Abingdon.

Richard George Earl of Scarbrough.

George Thomas Earl of Albemarle.

George William Earl of Coventry.

George Earl of Jersey.

John Earl Poulett.

George Sholto Earl of Morton. (*Elected for Scotland.*)

Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)

Thomas George Earl of Strathmore. (*Elected for Scotland.*)

David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)

David Earl of Leven and Melville. (*Elected for Scotland.*)

Dunbar James Earl of Selkirk. (*Elected for Scotland.*)

Thomas John Earl of Orkney. (*Elected for Scotland.*)

John Charles Earl of Seafield. (*Elected for Scotland.*)

Washington Sewallis Earl Ferrers.

William Walter Earl of Dartmouth.

Charles Augustus Earl of Tankerville.

Heneage Earl of Aylesford.

Francis Thomas de Grey Earl Cowper.

Philip Henry Earl Stanhope.

Robert Earl of Harborough.

Thomas Augustus Wolstenholme Earl of Macclesfield.

George William Richard Earl of Pomfret.

James Earl Graham. (*Duke of Montrose.*)

William Earl Waldegrave.

Bertram Earl of Ashburnham.

Leicester Fitzgerald Charles Earl of Harrington.

Isaac Newton Earl of Portsmouth.

George Guy Earl Brooke and Earl of Warwick.

Augustus Edward Earl of Buckinghamshire.

Charles William Earl Fitzwilliam.

Francis Earl of Guilford.

Charles Philip Earl of Hardwicke.

Henry Stephen Earl of Ilchester.

George John Earl De La Warr.

William Earl of Radnor.

Frederick Earl Spencer. (*In another place as Lord Steward of the Household.*)

Henry George Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

Henry John Earl Talbot.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*In another place as Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland*).

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland*).

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby. (*In another place as Lord Privy Seal.*)

Henry Thynne Earl of Harewood.

Gilbert Earl of Minto.

Charles Murray Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans.

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Beauchamp Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

Richard Earl of Glengall. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

William Earl of Burlington.

Robert Dundas Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

Frederick John Earl of Ripon.

Granville George Earl Granville. (*In another place as Lord President of the Council.*)

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

THOMAS Earl of ZETLAND.
CHARLES NOEL Earl of GAINSBOROUGH.
WILLIAM FITZHARDINGE Earl FITZHARDINGE.
EDWARD Earl of ELLENBOROUGH.
GEORGE GRANVILLE FRANCIS Earl of ELLESMERE.
JOHN Earl of STRAFFORD.
CHARLES EDWARD Earl of COTTENHAM.
HENRY RICHARD CHARLES Earl COWLEY.

ROBERT Viscount HEREFORD.
WILLIAM HENRY Viscount STRATHALLAN. (*Elected for Scotland.*)
HENRY Viscount BOLINGBROKE and ST. JOHN.
EVELYN Viscount FALMOUTH.
GEORGE Viscount TORRINGTON.
AUGUSTUS FREDERICK Viscount LEINSTER. (*Duke of Leinster.*)
HENRY Viscount MAYNARD.
JOHN ROBERT Viscount SYDNEY.
FRANCIS WHELER Viscount HOOD.
ARTHUR Viscount DUNGANNON. (*Elected for Ireland.*)
THOMAS Viscount DE VESCI. (*Elected for Ireland*).
JAMES Viscount LIFFORD. (*Elected for Ireland.*)
EDWARD Viscount BANGOR. (*Elected for Ireland.*)
HAYES Viscount DONERAILE. (*Elected for Ireland.*)
EDWARD JERVIS Viscount ST. VINCENT.
HENRY Viscount MELVILLE.
WILLIAM LEONARD Viscount SIDMOUTH.
GEORGE Viscount GORDON. (*Earl of Aberdeen.*)
EDWARD Viscount EXMOUTH.
RICHARD JOHN Viscount HUTCHINSON. (*Earl of Donoughmore.*)
WILLIAM THOMAS Viscount CLANCARTY. (*Earl of Clancarty.*)
STAPLETON Viscount COMBERMERE.
CHARLES JOHN Viscount CANNING.
CHARLES JOHN Viscount CANTERBURY.
ROWLAND Viscount HILL.
CHARLES STEWART Viscount HARDINGE.
HUGH Viscount GOUGH.
STRATFORD Viscount STRATFORD DE REDCLIFFE.
CHARLES Viscount EVERSLEY

ARCHIBALD CAMPBELL Bishop of LONDON.
CHARLES THOMAS Bishop of DURHAM.
CHARLES RICHARD Bishop of WINCHESTER.
CHRISTOPHER Bishop of BANGOR.
GEORGE Bishop of ROCHESTER.
HENRY Bishop of EXETER.
GEORGE Bishop of PETERBOROUGH.
CONNOP Bishop of ST. DAVID'S.
HENRY Bishop of WORCESTER.
ASHHURST TURNER Bishop of CHICHESTER.
JOHN Bishop of LICHFIELD.
THOMAS Bishop of ELY.
SAMUEL Bishop of OXFORD.
THOMAS VOWLER Bishop of ST. ASAPH.
JAMES PRINCE Bishop of MANCHESTER.
RENN DICKSON Bishop of HEREFORD.
JOHN Bishop of CHESTER.
ALFRED Bishop of LLANDAFF.
JOHN Bishop of LINCOLN.
WALTER KERR Bishop of SALISBURY.
ROBERT JOHN Bishop of BATH and WELLS. (*In another place as Lord Auckland*).
HENRY MONTAGUE Bishop of CARLISLE.
CHARLES Bishop of GLOUCESTER AND BRISTOL.
ROBERT Bishop of RIPON.
JOSEPH HENDERSON Bishop of MEATH.
LUDLOW Bishop of KILLALOE, KILFENORA, CLONFERT, AND KILMACDUAGH.
MARCUS GERVAIS Bishop of KILMORE, ELPHIN, AND ARDAGH.

FOX Lord PANMURE. (*One of Her Majesty's Principal Secretaries of State.*)
WILLIAM LENNOX LASCELLES Lord DE ROS.
JACOB Lord HASTINGS.
GEORGE EDWARD Lord AUDLEY.
PETER ROBERT Lord WILLOUGHBY DE ERESBY.
THOMAS CROSBY WILLIAM Lord DACRE.
CHARLES RODOLPH Lord CLINTON.
THOMAS Lord CAMOYS.
HENRY Lord BEAUMONT.
CHARLES Lord STOURTON.
HENRY WILLIAM Lord BERNERS.
ROBERT JOHN Lord WILLOUGHBY DE BROKE.
GEORGE Lord VAUX of HARROWDEN.
ST. ANDREW BEAUCHAMP Lord ST. JOHN of BLETSO.
CHARLES AUGUSTUS Lord HOWARD DE WALDEN.

William Bernard Lord Petre.

Frederick Benjamin Lord Saye and Sele.

Henry Benedict Lord Arundell of Wardour.

John Stuart Lord Clifton. (*Earl of Darnley.*)

Joseph Thaddeus Lord Dormer.

George Henry Lord Teynham.

Henry Valentine Lord Stafford.

George Anson Lord Byron.

William Lord Ward.

Hugh Charles Lord Clifford of Chudleigh.

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Sinclair. (*Elected for Scotland.*)

John Lord Elphinstone. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

Henry Lord Wycombe.

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

George Ives Lord Boston.

Henry Edward Lord Holland.

George James Lord Lovel and Holland. (*Earl of Egmont.*)

George John Lord Vernon.

Edward Saint Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dynevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

Henry Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Richard Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*In another place as Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

Francis Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James Thomas Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

John Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore, (*Marquess of Drogheda.*)

John Henry Loftus Lord Loftus. (*Marquess of Ely.*)

Granville Leveson Lord Carysfort. (*Earl of Carysfort.*)

Richard Pepper Lord Alvanley.

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Arthur Moyses William Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

Archibald William Lord Ardrossan. (*Earl of Eglintoun.*)

James Lord Lauderdale. (*Earl of Lauderdale.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

William Lord Ponsonby of Imokilly.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Frederick William Robert Lord Stewart of Stewart's Court (*Marquess of Londonderry.*)

Richard Lord Castlemaine. (*Elected for Ireland.*)

Charles Lord Meldrum. (*Marquess of Huntly.*)

James Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Henry Tennison Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

George Francis Robert Lord Harris.

Charles Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

James Edward William Theobald Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

Robert Lord Kingston. (*Earl of Kingston.*)

Edward Michael Lord Silchester. (*Earl of Longford.*)

William Lord Maryborough. (*Earl of Mornington.*)

John Lord Oriel. (*Viscount Massereene.*

Henry Thomas Lord Ravensworth.

Hugh Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Ulysses Lord Downes. (*Elected for Ireland.*)

Robert Francis Lord Gifford.

George Augustus Frederick Percy Sydney Lord Penshurst. (*Viscount Strangford.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

Edward Montague Stuart Granville Lord Wharncliffe.

William Lord Feversham.

John Singleton Lord Lyndhurst.

John Henry Lord Tenterden.

Thomas Span Lord Plunket. (*Bishop of Tuam, Killala, and Achonry.*)

Thomas Lord Melros. (*Earl of Haddington.*)

William Lord Heytesbury.

Archibald John Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Samuel Lord Wynford.

Henry Lord Brougham and Vaux.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

William Philip Lord Sefton. (*Earl of Sefton.*)

William Sydney Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. (*Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomerie Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

Fox Lord Panmure. (*In another place as one of Her Majesty's Principal Secretaries of State.*)

George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Edward Lord Cloncurry.

James Lord De Saumarez.

George Godolphin Lord Godolphin.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

George Stevens Lord Strafford.

Archibald Lord Worlingham. (*Earl of Gosford.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

Cornelius Lord Lismore. (*Viscount Lismore.*)

Henry Robert Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

John Lord Wrottesley.

Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

James Lord Dunfermline.

Thomas Spring Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell.

North Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

Albert Denison Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

Robert Monsey Lord Cranworth. (*In another place as Lord Chancellor.*)

John Cam Lord Broughton.

John Lord De Freyne.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry FitzRoy Lord Raglan.

Gilbert John Lord Aveland.

Thomas Lord Kenmare. (*Earl of Kenmare*).

Edmund Lord Lyons.

James Lord Wensleydale.

Edward Lord Belper.

James Lord Talbot de Malahide.

LIST OF THE COMMONS.

LIST OF MEMBERS

RETURNED FROM THE RESPECTIVE COUNTIES, CITIES, TOWNS, AND BOROUGHS, TO SERVE IN THE *SEVENTEENTH PARLIAMENT* OF THE UNITED KINGDOM OF *GREAT BRITAIN AND IRELAND:* WRITS RETURNABLE ON THE 30TH APRIL, 1857.

ABINGDON.
John Thomas Norris.

ANDOVER.
William Cubitt,
Hon. Dudley Francis Fortescue.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
George Moffatt.

ASHTON-UNDER-LINE.
Charles Hindley.

AYLESBURY.
Thomas Tyringham Bernard,
Sir Richard Bethell, knt.

BANBURY.
Henry William Tancred.

BARNSTAPLE.
Sir William Augustus Fraser, bt.,
John Laurie.

BATH.
Sir Arthur Hallam Elton, bt.
William Tite.

BEAUMARIS.
Hon. William Owen Stanley.

BEDFORDSHIRE.
Francis Charles Hastings Russell,
Richard Thomas Gilpin.

BEDFORD.
Samuel Whitbread,
Thomas Barnard.

BERKSHIRE.
Robert Palmer,
Hon. Philip Pleydell Bouverie,
George Henry Vansittart.

BERWICK-UPON-TWEED.
John Stapleton,
Dudley Coutts Majoribanks.

BEVERLEY.
Hon. William Henry Forester Denison,
Edward Auchmuty Glover.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
George Frederick Muntz,
William Scholefield.

BLACKBURN.
James Pilkington,
William Henry Hornby.

BODMIN.
Hon. John Cranch Walker Vivian,
James Wyld.

BOLTON-LE-MOORS.
William Gray,
Joseph Crook.

BOSTON.
Herbert Ingram,
William Henry Adams.

BRADFORD.
Henry Wickham Wickham,
Thomas Perronet Thompson.

BRECKNOCKSHIRE.
Sir Joseph Bailey, bt.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGENORTH.
Henry Whitmore,
John Pritchard.

BRIDGWATER.
Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.
Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.,
William Coningham.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
Hon. Charles Compton Cavendish.

BUCKINGHAM.
Sir Harry Verney, bt.,
John Hall.

BURY.
Robert Needham Philips.

BURY ST. EDMUND'S.
Rt. hon. Frederick William (Hervey) Earl Jermyn,
Joseph Alfred Hardcastle.

CALNE.
Sir William Fenwick Williams, bt.

CAMBRIDGESHIRE.
Edward Ball,
Henry John Adeane,
Hon. Eliot Thomas Yorke.

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram,
Rt. hon. Spencer Horatio Walpole.

CAMBRIDGE.
Kenneth Macaulay,
Andrew Steuart.

CANTERBURY.
Hon. Henry Butler Johnstone,
Rt. hon. Sir William Meredyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
Rt. hon. Ernest Augustus (Vaughan) Earl of Lisburne.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
William Nicholson Hodgson,
Rt. hon. Sir James Robert George Graham, bt.

CARMARTHENSHIRE.
David Arthur Saunders Davies,
David Jones.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Sir John Mark Frederic Smith, knt.

CHELTENHAM.
Francis William Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)
William Tatton Egerton,
George Cornwall Legh.

(Southern Division.)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Enoch Gibbon Salisbury.

CHICHESTER.
John Abel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
Henry George Boldero,
Robert Parry Nisbet.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
John Randolph Mullings.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell (Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller.
John Gurdon Rebow.

CORNWALL.
(Eastern Division.)
Thomas James Agar Robartes,
Nicholas Kendall.

(Western Division.)
Michael Williams,
Richard Davey.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
John Neeld,
Ambrose Lethbridge Goddard.

CUMBERLAND.
(Eastern Division.)
Hon. Charles Wentworth George Howard,
William Marshall.

(Western Division.)
Henry Wyndham,
Henry Lowther.

DARTMOUTH.
James Caird.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(Northern Division.)
Hon. George Henry Cavendish,
William Pole Thornhill.

(Southern Division.)
Thomas William Evans,
Charles Robert Colville.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Simon Watson Taylor,
Christopher Darby Griffith.

DEVONPORT.
Sir Thomas Erskine Perry, knt.
James Wilson.

DEVONSHIRE.
(Northern Division.)
James Wentworth Buller,
Hon. Charles Henry Rolle Trefusis.

(Southern Division.)
Sir John Buller Yarde Buller, bt.,
Lawrence Palk.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
Henry Ker Seymer.

DOVOR.
Ralph Bernal Osborne,
Sir William Russell, bt.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(Northern Division.)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane-Tempest) Lord A. F. C. W. Vane-Tempest.

(Southern Division.)
Henry Pease,
Hon. (Harry George Vane) Lord H. G. Vane.

DURHAM (CITY).
William Atherton,
Robert John Mowbray.

ESSEX.
(Northern Division.)
Rt. hon. William Beresford,
Charles Du Cane.

(Southern Division.)
Thomas William Bramston,
Richard Baker Wingfield.

EVESHAM.
Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.
Edward Divett,
Richard Sommers Gard.

EYE.
Sir Edward Clarence Kerrison, bt.

FINSBURY.
Thomas Slingsby Duncombe,
William Cox.

FLINTSHIRE.
Hon. Thomas Edward Mostyn Lloyd Mostyn.

FLINT.
Sir John Hanmer, bt.

FROME.
Donald Nicoll.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

GLOUCESTERSHIRE.
(Eastern Division.)
Sir Christopher William Codrington, bt.,
Robert Stayner Holford.

(Western Division.)
Robert Nigel Fitzhardinge Kingscote,
John Rolt.

GLOUCESTER.
Sir Robert Walter Carden, knt.,
William Philip Price.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
Sir William John Codrington, K.C.B.,
John Townsend.

GRIMSBY (GREAT).
Hon. Charles (Anderson-Pelham) Lord Worsley.

GUILDFORD.
Ross Donnelly Mangles,
William Bovill.

HALIFAX.
Frank Crossley,
Rt. hon. Sir Charles Wood, bt.

HAMPSHIRE.
(Northern Division.)
William Wither Bramston Beach,
George Sclater.

(Southern Division.)
Hon. Ralph Heneage Dutton,
Sir Jervoise Clarke Clarke-Jervoise, bt.

HARWICH.
John Bagshaw,
George Drought Warburton.

HASTINGS.
Patrick Francis Robertson,
Frederick North.

HAVERFORDWEST.
John Henry Philipps.

HELSTON.
Charles Trueman.

HEREFORDSHIRE.
Sir Henry Geers Cotterell, bt.,
Thomas William Booker-Blakemore,
James King King.

HEREFORD.
Henry Morgan Clifford,
George Clive.

HERTFORDSHIRE.
Sir Henry Meux, bt.,
Sir Edward George Earle Lytton Bulwer-Lytton, bt.
Christopher William Puller.

HERTFORD.
Rt. hon. William Francis Cowper,
Sir Walter Minto Townshend Farquhar, bt.

HONITON.
Joseph Locke,
A. H. P. Wortley.

HORSHAM.
William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.
Edward Akroyd

HUNTINGDONSHIRE.
James Rust.
Edward Fellowes, }
John Moyer Heathcote }
Double Return.

HUNTINGDON.
Jonathan Peel,
Thomas Baring.

HYTHE.
Sir John William Ramsden, bt.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)
Sir Brook William Bridges, bt.,
Sir Edward Cholmeley Dering, bt.

(Western Division.)
Charles Wykeham Martin,
James Whatman.

KIDDERMINSTER.
Rt. hon. Robert Lowe.

KING'S LYNN.
Hon. Edward Henry (Stanley) Lord Stanley,
John Henry Gurney.

KINGSTON-UPON-HULL.
James Clay,
Hon. Anthony (Ashley-Cooper) Lord Ashley.

KNARESBOROUGH.
Basil Thomas Woodd,
Thomas Collins.

LAMBETH.
William Roupell,
William Williams.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
Hon. Spencer Compton (Cavendish) Lord Cavendish.

(Southern Division.)
William Brown,
John Cheetham.

LANCASTER.
Samuel Gregson,
William James Garnett.

LAUNCESTON.
Hon. Josceline William Percy.

LEEDS.
Rt. hon. Matthew Talbot Baines,
Robert Hall.

LEICESTERSHIRE.
(Northern Division.)
Rt. hon. (John James Robert Manners) Lord J. J. R. Manners,
Edward Basil Farnham.

(Southern Division.)
Charles William Packe,
Hon. George Augustus Frederick Louis (Curzon Howe) Viscount Curzon.

LEICESTER.

John Dove Harris,
John Biggs.

LEOMINSTER.

Gathorne Hardy,
John Pollard Willoughby.

LEWES.

Rt. hon. Henry FitzRoy,
Hon. Henry Bouverie William Brand.

LICHFIELD.

Hon. Dudley Francis Stuart (Ryder) Viscount Sandon,
Hon. (Alfred Henry Paget) Lord A. H. Paget.

LINCOLNSHIRE.

(Parts of Lindsey.)

James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.

(Parts of Kesteven and Holland.)

Sir John Trollope, bt.,
Anthony Willson.

LINCOLN.

Gervaise Tottenham Waldo Sibthorp,
George Fieschi Heneage.

LISKEARD.

Ralph William Grey.

LIVERPOOL.

Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.

Sir James Duke, bt.,
Lionel Nathan (Baron) De Rothschild,
Rt. hon. (John Russell) Lord J. Russell,
Robert Wygram Crawford.

LUDLOW.

Hon. Percy Egerton Herbert,
Beriah Botfield.

LYME REGIS.

William Pinney.

LYMINGTON.

William Alexander Mackinnon, jun.,
Sir John Rivett Carnac, bt.

MACCLESFIELD.

John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.

Alexander James Beresford Hope,
Edward Scott.

MALDON.

Thomas Sutton Western,
John Bramley-Moore,

MALMESBURY.

Thomas Luce.

MALTON.

Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.

Sir John Potter, knt.,
James Aspinall Turner.

MARLBOROUGH.

Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).

Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.

Rt. hon. Sir Benjamin Hall, bt.,
Hon. Hugh (Fortescue) Viscount Ebrington.

MERIONETHSHIRE.

William Watkin Edward Wynne.

MERTHYR TYDVIL.

Henry Austin Bruce.

MIDDLESEX.

Robert Hanbury,
Rt. hon. (Robert Grosvenor) Lord R. Grosvenor.

MIDHURST.

Samuel Warren.

MONMOUTHSHIRE.

Charles Octavius Swinnerton Morgan,
Edward Arthur Somerset.

MONMOUTH.

Crawshay Bailey.

MONTGOMERYSHIRE.

Herbert Watkins Williams Wynn.

MONTGOMERY.

David Pugh.

MORPETH.

Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.

Hon. Henry Pelham Alexander (Pelham - Clinton) Earl of Lincoln
John Handley

NEWCASTLE-UNDER-LYME

Samuel Christy,
William Jackson.

NEWCASTLE-UPON-TYNE.

George Ridley,
Thomas Emerson Headlam.

NEWPORT.

Charles Edward Mangles,
Charles Buxton.

NORFOLK.

(Eastern Division.)

Charles Ashe Windham,
Sir Edward North Buxton, bt.

(Western Division.)

George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.

William Battie Wrightson.

NORTHAMPTONSHIRE.

(Northern Division.)

Stafford Augustus O'Brien Stafford,
Hon. William Alleyne (Cecil) Lord Burghley.

(Southern Division.)

Hon. John Poyntz (Spencer) Viscount Althorp,
Rainald Knightley.

NORTHAMPTON.

Rt. hon. Robert Vernon Smith,
Charles Gilpin.

NORTHUMBERLAND.

(Northern Division.)

Hon. Algernon George (Percy) Lord Lovaine,
Hon. Charles (Bennett) Lord Ossulston.

(Southern Division.)

Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.

William Henry Schneider,
Hon. William Coutts (Keppell) Viscount Bury.

NOTTINGHAMSHIRE.

(Northern Division.)

Hon. (Henry William Cavendish Bentinck) Lord H. W. C. Bentinck,
Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Clinton.
Rt. hon. John Evelyn Denison.

(Southern Division.)

William Hodgson Barrow,
Hon. Charles (Pierrepont) Viscount Newark.

NOTTINGHAM.

Charles Paget,
John Walter.

OLDHAM.

John Morgan Cobbett,
James Platt.

OXFORDSHIRE.
Rt. hon. Joseph Warner Henley,
John Sidney North,
George Granville Vernon Harcourt.

OXFORD (CITY).
James Haughton Langston,
Charles Neate.

OXFORD (UNIVERSITY).
Sir William Heathcote, bt.,
Rt. Hon. William Ewart Gladstone.

PEMBROKESHIRE.
Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Hon. George Wentworth Fitzwilliam,
Thomson Hankey.

PETERSFIELD.
Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Robert Porrett Collier,
James White.

PONTEFRACT.
Richard Monckton Milnes,
William Wood.

POOLE.
Henry Danby Seymour,
George Woodroffe Franklyn.

PORTSMOUTH.
Rt. hon. Sir Francis Thornhill Baring, bt.,
Sir James Dalrymple Horn Elphinstone, bt.

PRESTON.
Charles Pascoe Grenfell,
Richard Asheton Cross.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Cornewall Lewis, bt.

READING.
Francis Pigott,
Henry Singer Keating.

REIGATE.
William Hackblock.

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

RICHMOND.
Henry Rich,
Marmaduke Wyvill.

RIPON.
John Greenwood,
John Ashley Warre.

ROCHDALE.
Sir Alexander Ramsay, bt.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gilbert Henry Heathcote,
Hon. Gerard James Noel.

RYE.
William Alexander Mackinnon.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(*Northern Division.*)
John Whitehall Dod,
Hon. Rowland Clegg Hill.

(*Southern Division.*)
Hon. Robert Windsor Clive,
Hon. Orlando George Chas. (Bridgeman) Viscount Newport.

SANDWICH.
Edward Knatchbull-Hugessen,
Hon. Clarence Edward (Paget) Lord C. E. Paget.

SCARBOROUGH.
Sir John Vanden Bempde Johnstone, bt.,
Rt. hon. George Augustus Constantine (Phipps) Earl of Mulgrave.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Charles Merrik Burrell, bt.,
Hon. (Alexander Francis Charles Gordon Lennox) Lord A. F. C. G. Lennox.

SHREWSBURY.
George Tomline,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(*Eastern Division.*)
William Miles,
William Francis Knatchbull.

(*Western Division.*)
Charles Aaron Moody,
William Henry Powell Gore Langton.

SOUTHAMPTON.
Brodie M'Ghie Willcox,
Thomas Matthias Weguelin.

SOUTHWARK.
Sir Charles Napier, K.C.B.
John Locke.

STAFFORDSHIRE.
(*Northern Division.*)
Charles Bowyer Adderley,
Smith Child.

(*Southern Division.*)
Henry John Wentworth Foley,
William Orme Foster.

STAFFORD.
John Ayshford Wise,
Hon. Charles John (Talbot) Viscount Ingestre.

STAMFORD.
Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Frederic Thesiger, knt.

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
William Taylor Copeland,
John Lewis Ricardo.

STROUD.
George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.
(Eastern Division.)
Sir FitzRoy Kelly, knt.,
Rt. hon. John (Henniker-Major) Lord Henniker.

(Western Division.)
Harry Spencer Waddington,
Philip Bennet.

SUNDERLAND.
Henry Fenwick,
George Hudson.

SURREY.
(Eastern Division.)
Thomas Alcock,
Hon. Peter John Locke King.

(Western Division.)
John Ivatt Briscoe,
Henry Drummond.

SUSSEX.
(Eastern Division.)
John George Dodson,
Hon. Henry North (Holroyd) Viscount Pevensey.

(Western Division.)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Henry Wyndham.

SWANSEA.
Lewis Llewellyn Dillwyn.

TAMWORTH.
Sir Robert Peel, bt.
Hon. John (Townshend) Viscount Raynham.

TAUNTON.
Rt. hon. Henry Labouchere,
Arthur Mills.

TAVISTOCK.
Hon. George Henry Charles Byng,
Sir John Salusbury Trelawny, bt.

TEWKESBURY.
Hon. Frederick Lygon,
John Martin.

THETFORD.
Hon. William Henry (FitzRoy) Earl of Euston,
Hon. Francis Baring.

THIRSK.
Sir William Payne Gallwey, bt.

TIVERTON.
John Heathcoat,
Rt. hon. Henry John (Temple) Viscount Palmerston.

TOTNESS.
Hon. George (Hay) Earl of Gifford,
Thomas Mills.

TOWER HAMLETS.
Acton Smee Ayrton,
Charles Salisbury Butler.

TRURO.
Augustus Smith,
Edward William Bridges Willyams.

TYNEMOUTH.
William Schaw Lindsay.

WAKEFIELD.
John C. Dodgson Charlesworth.

WALLINGFORD.
Richard Malins.

WALSALL.
Charles Forster.

WAREHAM.
John Hales Calcraft.

WARRINGTON.
Gilbert Greenall.

WARWICKSHIRE.
(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)
Evelyn Philip Shirley,
Edward Bolton King.

WARWICK.
George William John Repton,
Edward Greaves.

WELLS.
Edward Hylton Jolliffe,
Rt. hon. William Goodenough Hayter.

WENLOCK.
Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.
Sir Massey Lopes, bt.

WESTMINSTER.
Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.
Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.
William Lockyer Freestun,
Robert James Roy Campbell,

WHITBY.
Robert Stephenson.

WHITEHAVEN.
Robert Charles Hildyard.

WIGAN.
Francis Sharp Powell,
Henry Woods.

WIGHT (ISLE OF).
Charles Cavendish Clifford.

WILTON.
Edmund Antrobus.

WILTSHIRE.
(Northern Division.)
Walter Long,
Thomas Henry Sutton Sotheron-Estcourt.

(Southern Division.)
Rt. hon. Sidney Herbert,
William Wyndham.

WINCHESTER.
John Bonham Carter,
Sir James Buller East, bt.

WINDSOR.
William Vansittart,
Charles William Grenfell.

WOLVERHAMPTON.
Rt. hon. Charles Pelham Villiers,
Thomas Thornely.

WOODSTOCK.
Hon. John Winston (Spencer-Churchill) Marquess of Blandford.

WORCESTERSHIRE.
(Eastern Division.)
George Rushout,
John Hodgetts Hodgetts Foley.

(Western Division.)
Hon. Henry (Pyndar) Viscount Elmley
Frederick Winn Knight.

WORCESTER.
William Laslett,
Osman Ricardo.

WYCOMBE (CHIPPING).
Sir George Henry Dashwood, bt.,
Martin Tucker Smith.

YARMOUTH (GREAT).
William Torrens M'Cullagh,
Edward William Watkin.

YORKSHIRE.
(North Riding.)
Hon. Octavius Duncombe,
Edward Stillingfleet Cayley.

YORKSHIRE—*continued.*
(*East Riding.*)
Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.
(*West Riding.*)
Hon. George Frederick Samuel (Robinson) Viscount Goderich,
Edmund Beckett Denison.

YORK.
Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.
Hon. George John James (Gordon) Lord Haddo.

ABERDEEN.
William Henry Sykes.

ARGYLLSHIRE.
Alexander Struthers Finlay.

AYRSHIRE.
Hon. Patrick James Herbert Crichton (Stuart) Lord P. J. H. C. Stuart.

AYR, &c.
Edward Henry John Craufurd.

BANFFSHIRE.
Rt. hon. James (Duff) Earl of Fife.

BERWICKSHIRE.
Hon. Francis Scott.

BUTESHIRE.
Rt. hon. James Archibald Stuart-Wortley.

CAITHNESS-SHIRE.
George Traill.

CLACKMANNAN AND KINROSS SHIRES.
Hon. William Hugh (Elliot-Murray - Kynynmound) Viscount Melgund

CUPAR, ST. ANDREWS, &c.
Edward Ellice.

DUMBARTONSHIRE.
Alexander Smollett.

DUMFRIES-SHIRE.
John James Hope Johnstone.

DUMFRIES, &c.
William Ewart.

DUNDEE.
Sir John Ogilvy, bt.

DYSART, &c.
Robert Ferguson.

EDINBURGHSHIRE.
Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.

EDINBURGH.
Charles Cowan,
Adam Black.

ELGINSHIRE AND NAIRNE.
Charles Lennox Cumming Bruce.

ELGIN, &c.
George Skene Duff.

FALKIRK, &c.
James Merry.

FIFESHIRE.
John Fergus.

FORFARSHIRE.
Hon. Adam (Haldane-Duncan) Viscount Duncan.

GLASGOW.
Walter Buchanan,
Robert Dalglish.

GREENOCK.
Alexander Murray Dunlop.

HADDINGTONSHIRE.
Hon. Francis Wemyss (Charteris) Lord Elcho.

HADDINGTON, &c.
Sir Henry Robert Ferguson Davie, bt.

INVERNESS-SHIRE.
Henry James Baillie.

INVERNESS, &c.
Alexander Matheson.

KILMARNOCK, RENFREW, &c.
Rt. hon. Edward Pleydell Bouverie.

KINCARDINESHIRE.
Hon. Hugh Arbuthnott.

KIRKCUDBRIGHT.
John Mackie.

KIRKWALL, WICK, &c.
Hon. John (Hay) Lord J. Hay.

LANARKSHIRE.
Sir Thomas Edward Colebrooke, bt.

LEITH, &c.
Rt. hon. James Moncreiff.

LINLITHGOWSHIRE.
George Dundas.

MONTROSE, &c.
William Edward Baxter.

ORKNEY AND SHETLAND.
Frederick Dundas.

PAISLEY.
Archibald Hastie.

PEEBLES-SHIRE.
Sir Graham Graham Montgomery, bt.

PERTHSHIRE.
William Stirling.

PERTH.
Hon. Arthur FitzGerald Kinnaird.

RENFREWSHIRE.
Sir Michael Robert Shaw Stewart, bt.

ROSS AND CROMARTY SHIRES.
Sir James Matheson, bt.

ROXBURGHSHIRE.
Hon. John Edmund Elliot.

SELKIRKSHIRE.
Allan Eliott Lockhart.

STIRLINGSHIRE.
Peter Blackburn.

STIRLING, &c.
Sir James Anderson, knt.

SUTHERLANDSHIRE.
Hon. George Granville William (Leveson - Gower) Marquess of Stafford.

WIGTONSHIRE.
Sir Andrew Agnew, bt.

WIGTON, &c.
Sir William Dunbar, bt.

IRELAND.

ANTRIM.
Thomas Henry Pakenham,
George Macartney.

ARMAGH.
Sir William Verner, bt.,
Maxwell Charles Close.

ARMAGH (CITY).
Stearne Ball Miller.

ATHLONE.
John Ennis.

BANDON BRIDGE.
Hon. William Smyth Bernard.

BELFAST.
Hugh MacCalmont Cairns,
Richard Davison.

CARLOW.
William Bunbury M'Clintock Bunbury,
Henry Bruen.

CARLOW (BOROUGH).
John Alexander.

CARRICKFERGUS.
William Cary Dobbs.

CASHEL.
Sir Timothy O'Brien, bt.

CAVAN.
Hon. James Pierce Maxwell,
Hon. Hugh Annesley.

CLARE.
Hon. Francis Nathaniel (Conyngham) Lord F. N. Conyngham,
Francis Macnamara Calcutt.

CLONMEL.
John Bagwell.

COLERAINE.
John Boyd

CORK COUNTY.
Richard Deasy,
Alexander McCarthy.

CORK (CITY).
Francis Bernard Beamish,
William Trant Fagan.

DONEGAL.
Thomas Conolly,
Sir Edmund Samuel Hayes, bt.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
William B. Forde.

DOWNPATRICK.
Richard Ker.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Edward Grogan,
John Vance.

DUBLIN (UNIVERSITY).
Rt. hon. Joseph Napier,
George Alexander Hamilton.

DUNDALK.
George Bowyer.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
John Francis Maguire.

ENNIS.
Rt. hon. John David FitzGerald.

ENNISKILLEN.
James Whiteside.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
William Henry Gregory.

GALWAY (BOROUGH).
Hon. Ulick Canning (De Burgh) Lord Dunkellin.
Anthony O'Flaherty.

KERRY.
Henry Arthur Herbert,
Hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
David O'Connor Henchy.

KILKENNY.
Hon. Leopold George Frederick Agar Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
Patrick O'Brien,
Loftus Henry Bland.

KINSALE.
John Isaac Heard.

LEITRIM.
Hugh Lyons Montgomery,
John Brady.

LIMERICK.
Stephen Edward De Vere,
Rt. hon. William Monsell.

LIMERICK (CITY).
James O'Brien,
Francis William Russell.

LISBURN.
Jonathan Joseph Richardson.

LONDONDERRY.
Samuel M'Curdy Greer,
James Johnston Clark.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Henry White,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
John M'Clintock.

MALLOW.
Sir Charles Denham Orlando Jephson Norreys, bt.

MAYO.
Roger William Palmer,
George Henry Moore.

MEATH.
Matthew Elias Corbally,
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
William Kirk.

PORTARLINGTON.
Lionel Dawson Damer.

QUEEN'S COUNTY.
Sir Charles Henry Coote, bt.,
Michael Dunne.

ROSCOMMON.
Fitzstephen French,
Oliver Dowell John Grace.

ROSS (NEW).
Charles Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Edward Joshua Cooper.

SLIGO (BOROUGH).
John Patrick Somers.

TIPPERARY.
O'Donoghoe, Daniel (The O'Donoghoe),
awrence Waldron.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
Nicholas Mahon Power,
John Esmonde.

WATERFORD (CITY).
John Aloysius Blake,
Michael Dobbyn Hassard.

WESTMEATH.
William Henry Magan,
Sir Richard George Augustus Levinge, bt.

WEXFORD.
Patrick McMahon,
John Hatchell.

WEXFORD (BOROUGH).
John Thomas Devereux.

WICKLOW.
Hon. William Thomas Spencer (Wentworth-Fitzwilliam) Viscount Milton,
William Wentworth Fitzwilliam Hume.

YOUGHALL.
Isaac Butt.

HANSARD'S
PARLIAMENTARY DEBATES,

IN THE

First Session of the *Seventeenth Parliament* of
the United Kingdom of *Great Britain* and *Ireland*,
appointed to meet 30 April, 1857, in the Twentieth
Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, April 30, 1857.

THE Sixteenth Parliament of the United Kingdom was dissolved by Proclamation on the 21st March, and at the same time writs were ordered to be issued for calling a new Parliament, which writs were made returnable on Thursday the 30th April; on which day the Parliament so called met for Despatch of Business.

The Parliament was opened by Commission.

The House of Peers being met,

The LORD CHANCELLOR acquainted the House, That Her Majesty, not thinking fit to be personally present here this day, had been pleased to cause a Commission to be issued under the Great Seal, in order to the opening and holding of this Parliament.

Then Five of the Lords Commissioners, namely, The Lord Chancellor, The Lord Privy Seal (the Earl of Harrowby), The Lord Steward (Earl Spencer), The Lord Stanley of Alderley (President of the Board of Trade), and The Duke of Argyll (Postmaster General), being in their robes, and seated on a form placed between the Throne and the Woolsack, commanded the Yeoman Usher of the Black Rod to let the Commons know "The Lords Commissioners desire their immediate attendance in this House, to hear the Commission read."

Who being come;

The LORD CHANCELLOR said—

"My Lords and Gentlemen of the House of Commons,

"Her Majesty not thinking fit to be present here this day in Her Royal Person, hath been pleased, in order to the opening and holding of this Parliament, to cause Letters Patent to be issued under Her Great Seal, constituting us and several other Lords therein named Her Commissioners, to do all things, in Her Majesty's name, on Her part necessary to be performed in this Parliament: This will more fully appear by the Letters Patent themselves, which must now be read."

Then the said Letters Patent were read by the Clerk.

Then the LORD CHANCELLOR said, My Lords and Gentlemen, we have it in command from Her Majesty to let you know, That as soon as the Members of both Houses shall be sworn, the causes of Her Majesty's calling this Parliament will be declared to you; and, it being necessary a Speaker of the House of Commons should be first chosen, it is Her Majesty's pleasure that you, Gentlemen of the House of Commons, repair to the place where you are to sit, and there proceed to the appointment of some proper person to be your Speaker, and that you present such person whom you shall so choose here to-morrow at Two of the clock, for Her Majesty's Royal approbation.

Then the Commons withdrew.

The House was adjourned during pleasure, to unrobe.

The House was resumed.

PRAYERS.

The LORD CHANCELLOR singly, in the first place, at the Table, took the Oaths, and also took and subscribed the Oath of Abjuration, pursuant to the Statutes.

Certificate of the Sixteen Peers for Scotland *delivered*, and read.

Garter King of Arms *delivered* at the Table of the House (in the usual manner) "A List of the Lords Temporal in the First Session of the Seventeenth Parliament of the United Kingdom."

Ordered that the said List do lie on the Table.

Several Lords took the Oaths.

The Lord Kenmare took the Oath prescribed by Act 10th *Geo.* IV. to be taken by Peers professing the Roman Catholic religion.

House adjourned at half-past Four o'clock till To-morrow Two o'clock.

HOUSE OF COMMONS,

Thursday, April 30, 1857.

On which day, being the first day of the meeting of this Parliament for the despatch of business, pursuant to Proclamation, *Sir Denis Le Marchant*, Clerk of the House of Commons, and *Thomas Erskine May*, and *Henry Ley*, Esquires, Clerks Assistant, attending in the House, and the other Clerks attending, according to their duty, *Charles Romilly*, Esquire, Clerk of the Crown in Chancery in *Great Britain*, delivered to the said *Sir Denis Le Marchant* a Book, containing a list of the Names of the Members returned to serve in Parliament.

Several of the Members repaired to their seats,

A Message was delivered by *James Pulman*, Esquire, Yeoman Usher of the Black Rod:

"Gentlemen,

"The Lords, authorized by virtue of "Her Majesty's Commission, desire the "immediate attendance of this Honourable "House in the House of Peers, to hear "the Commission read."

Accordingly, the House went up to the House of Peers.

And the House being returned;

CHOICE OF A SPEAKER.

LORD HARRY VANE addressing himself to the Clerk (who, standing up, pointed to him, and then sat down) said;—Sir Denis Le Marchant: In conformity with the Message which the House has heard this day delivered through the Royal Commission, calling on the House to proceed forthwith to the election of a Speaker, I now venture to present myself to the attention of the House with the view of inviting it to give effect to that gracious command. We, who have served in former Parliaments, have been long accustomed to associate the name of Charles Shaw Lefevre with all our proceedings, and it had become a matter of routine, as it were, to propose his honoured name for the Speakership at the opening of every new Parliament. Now that he has retired at the close of the last Parliament from the Chair, a very heavy and grave responsibility rests on any Member who undertakes the task of proposing his successor. Mr. Lefevre was a man, Sir Denis Le Marchant, who united in himself all the eminent qualities that fit a member to preside over the deliberations of this House, and it will be difficult, though perhaps not impossible, to find any Member who combines so many and such fine qualifications for the office in his own person. His lofty and dignified bearing, his equability of temper, his unquestioned impartiality, his extensive and profound knowledge of all the forms and usages of Parliament, his intimate acquaintance with the private business which occupies so much of the attention of Parliament, his readiness to afford information to every Member who sought his advice upon any point—all these constituted a union of qualifications difficult to equal and which it is impossible to excel. The character of the Speaker of this House necessarily exercises an important influence over the proceedings of the House, and therefore the greater need is there of care in the selection. In former times that independence of character and that firmness of purpose which could alike resist the blandishments and frowns of the Crown seemed to be primary qualities required in the Speaker of this House. In these days, no doubt, it is essential that we should choose a man who will stedfastly uphold the privileges of the House; but in fact and reality we entertain but slender apprehensions of failure in any Speaker in that respect; and there are qualifications, which, in modern times, stand forward with greater prominence as qualifications for the Speaker of this House. We ought, in choosing a man for that high office, to select a man of high character, of accomplished mind, of dignified and commanding exterior, courteous in demeanour, and removed from all party bias, and one who will on all occasions on which reference is made to him decide with equal justice and according to the law, forms, and usages of Parliament. But this is not all. The magnitude and importance of the private business which is now brought before the House, and the multiplicity of the rules and regulations laid down from time to time for the despatch of that business, render it absolutely necessary that we should choose a man of long Parliamentary experience, practically cognizant of those rules and regulations, ready to apply them to every emergency, firm to guard them from being unduly relaxed, and yet, at the same time, with a mind not unduly prone to adherence to antiquated rules and practices, but of view sufficiently large to suggest alterations whenever the growing business of the country requires and experience proves that alteration may be beneficially adopted. It appears to me that we have in this House a Member who unites many, if not most, of the qualifications required in a Speaker; and many who near me and who have observed the Parliamentary career of my hon. Friend Mr. John Evelyn Denison, the Member for North Nottinghamshire, will recognise in his character the possession of these different qualities. Without any disparagement to other hon. Members—for I am ready to admit that many Members might be found on both sides the House with qualifications of a high order —I may be permitted to say that when a Member, during a long Parliamentary career has combined those high moral and intellectual advantages, has, at the same time, been unconnected with official life, has devoted his mind to the private business of the House, and has made himself master of all the details of Parliamentary law and usages, it does appear to me a fitting testimony to render to such a man to elect him our Speaker. Do we want a precedent for such a course? We find that the brightest example of a Speaker in our time stood in precisely similar circumstances. Mr. Charles Shaw Lefevre was chosen from among the county Members of England. He was out of the sphere of the legal profession or official career, and a more successful example of a Speaker could not be found in modern times, or perhaps at any former period. I have, therefore, the greatest pleasure in proposing that Mr. Evelyn Denison, the Member for North Nottinghamshire, do take the Chair. In doing so, I may perhaps in some degree be influenced by private feelings; but, at the same time, I should not venture to propose my hon. Friend as a fit person to be elected to the Speakership of this House if I did not feel convinced that he unites in himself, in a superior degree, the external, moral, and intellectual qualities which we ought to look for in our Speaker. Under this impression, and having served in former Parliaments with him, I feel convinced that he possesses all the requisites for this important position. He has sat in Parliament for a long series of years as the representative of various constituencies. He was at one time elected a Member for the very important constituency of Liverpool, the second commercial town in the kingdom; he afterwards represented a county constituency; and subsequently a smaller constituency, and was thereby enabled to devote much of his time to the private business of this House; and he now represents a large commercial and agricultural district, and is thereby placed in a peculiarly favourable position for understanding the wants both of town and country constituencies. He has also acquired a very intimate knowledge of the mode of conducting the private business of this House; and knowing this, I entertain a certain conviction that if the House ratifies the proposition which I am about to make, the experience of the future will prove the wisdom of their choice. I have the greatest pleasure in proposing "That John Evelyn Denison, esquire, do take the Chair of this House as Speaker."

MR. THORNELY: I rise for the purpose of seconding the Motion that Mr. Evelyn Denison do take the Chair as Speaker. No doubt the position of Speaker does require a gentleman of much experience in the business of this House. The Speaker of this House ought to be intimately acquainted with the mode of conducting business; he ought to be a man of great patience and great sagacity, and especially of strict impartiality. Mr. Evelyn Denison has occupied a seat in this House for nearly thirty years; and having watched his conduct since I have had the honour of a seat in Parliament, I know that he has given great attention to the forms of procedure of this House; that he has been a member of more Select Committees than almost any other Member of the House, and that he has very frequently indeed presided as chairman. I have the utmost reliance that, with his long experience in the House—with the attention which he has given to the business of the House—he has all the qualifications to make an excellent Speaker. The private business of the House has most enormously increased of late years. The wealth of the country has increased, and its distribution in railroads and other public works is very great indeed. When I first came into this House, some twenty years ago, Private Bills were considered in Committees of some forty or fifty Members, many of whom voted without having heard a word of the evidence. We owe it to Mr. Abercrombie and to the late Speaker, Mr. Shaw Lefevre, that these Private Bills have been put on a very different footing. We have now a Committee of Selection, which is understood to have a good knowledge of the qualifications of most of the Members. They select a Committee of five Members, who sign a declaration that they will not vote upon any private Bill unless they have given attention to the evidence. In this way there has been the greatest possible improvement in the mode of getting through the private business of the House; and I am convinced that if Mr. Evelyn Denison be elected he will continue suggesting further improvements in our procedure. Thus, though much may be done by the Speaker, yet there is much which must be done by the Members themselves; and

though I may be travelling a little out of the ordinary course, I will take the liberty of suggesting, on this very important occasion, whether we might not carry into effect a plan which was discussed some few years ago for shortening the speeches of our Members? I would appeal with great respect to the leading Members on both sides to commence important speeches at five or six o'clock, as soon as the private business is over, rather than wait till ten or eleven o'clock, keeping us here out of our beds. I beg pardon of the House for having mentioned this subject, but it is one of so much importance that I would appeal to those Members who have it in their power, to do all they can to shorten the length of their speeches. I do not feel it necessary to add anything to what has been said by the noble Lord as to the qualifications of Mr. Evelyn Denison for the office of Speaker, except to say that if he be elected I have the utmost hope and confidence that, when he vacates that Chair, he will leave behind him as high a reputation as his predecessor has done, Mr. Shaw Lefevre. I beg to second the Motion that Mr. Evelyn Denison do take the Chair.

The House then calling on MR. EVELYN DENISON,

MR. EVELYN DENISON stood up in his place and said: Sir, I return my grateful thanks to my noble and my hon. Friends who have introduced my name to the House — in terms, indeed, far too flattering—in terms suggested by the partiality of private friendship rather than by any qualities to which I can pretend to lay claim. I offer my respectful acknowledgments to the House for the manner in which it has been pleased to receive the mention of my name. It is calculated to afford me much encouragement and support. But when I think of the business of this House, increasing year by year—when I consider the importance not only of maintaining the rights and privileges of the House, but that the position of the House itself in the framework of the constitution should be carefully and exactly preserved, I might well shrink from the responsibility which must attach to any one who has a considerable share in its management and guidance. I shall be at a disadvantage in being placed in immediate contrast with a right hon. Gentleman who filled that chair for so many years in a manner which gave universal satisfaction.

I shall, however, have the assistance of that distinguished Gentleman, as I have had the benefit of his example. And, under his immediate supervision, the rules and practice of Parliament have been digested and arranged by a Gentleman who now sits at that table (Mr. Erskine May; the Clerk Assistant) in a manner which cannot fail to afford material assistance to all who shall succeed to that chair. If I rightly interpret the wishes of the House it would not become me to intrude longer upon them my doubts and hesitations. I shall content myself, therefore, with expressing my high sense of the distinguished honour which it is proposed to confer upon me; and falling in with her suggestion of my hon. Seconder, and contracting my address within the narrowest possible limits, I submit myself, with all duty and respect, to the will of the House.

The House then again unanimously calling Mr. Evelyn Denison to the Chair, he was taken out of his place by the said Lord Harry Vane and Mr. Thornely and conducted to the Chair.

Then Mr. Speaker Elect, standing on the upper step, said, "I beg to be permitted once more, from this Chair, to offer my respectful acknowledgments to the House. In carrying on the business of the House I shall not so much rely upon any power of control which may be vested in myself, I shall rely rather upon the good feeling and right-mindedness of every Gentleman composing this assembly—upon their spirit of forbearance, and upon their determination to carry the deliberations of the House to a successful and profitable issue. I freely dedicate to the service of the House all the strength that shall be granted me and all the faculties of my mind, and I confidently rely on the cordial cooperation of the House and on its generous support in giving effect to its rules and its orders, and in performing the various important duties which the House has this day imposed upon me."

And thereupon he sat down in the Chair; and then the Mace (which before lay under the Table) was laid upon the Table.

Viscount PALMERSTON then said, Mr. Speaker Elect, I cannot forbear saying a few words to congratulate you most sincerely upon finding yourself in the high and exalted position in which the decision of this House has placed you. It must be a matter of well-founded pride and gratification to any man in the land to find himself placed as president or director of that which I am not saying too much in affirming to be the greatest and noblest representative assembly in the world. The position which you now occupy is one of the highest to which a commoner of this country can aspire; and from every consideration—from respect for your character and a knowledge of your eminent qualities—I am glad to find that the House has made so wise and proper a choice. But, Sir, in congratulating you upon the dignity to which you have been raised, I cannot shut my eyes to, and I am sure that you have not disguised from yourself, the difficulties of the arduous position which you have now assumed. You will have, however, to aid you in the performance of those duties assistance which I now see before me, to afford you advice and counsel in any difficulty which may arise with respect to the proceedings of this House. But, Sir, you have duties to perform, unconnected with the deliberations of this House, of no less importance to the public service, and the proper discharge of which will no less entitle you to the approbation and gratitude of this House and of the country; and with regard to the discharge of these duties you have for your guidance the lights of those who have gone before you. Your two immediate predecessors have both ably fulfilled the duties to which I am now referring. Mr. Abercrombie, now Lord Dunfermline—who filled that chair too short a time for the public good, having unfortunately been early compelled by ill-health to retire—Mr. Abercromby devoted his able and comprehensive mind to the improvement of our proceedings, which in his time so much required amendment. The memory of his good services exists in the minds of all those who are at all acquainted with our Parliamentary arrangements, and his name will long occupy a place in the list of those who have filled that Chair as one of the most eminent and the most entitled to the gratitude of the country. The Speaker who succeeded Mr. Abercromby, more fortunate in the duration of his tenure of office, was able to accomplish greater things, and I trust, Mr. Speaker, that you, in the performance of your duties, may equal the merits of Mr. Shaw Lefevre; it would be flattery to tell any man living that it was possible for him to surpass them. I think I am not assuming unduly to be the organ of this House when I assure you, Sir, that in the performance of your duties—whether in the course of our debates, or beyond the deliberations of this House, you will be supported by the full confidence and co-operation of all its Members, and that it will be remembered that your position is one of peculiar difficulty, on account of the circumstances of the moment at which you have succeeded to that Chair. While you are yourself a new Speaker, on the other hand there are a great number of the Members of this Parliament who are new to these walls, and, consequently, the task which you have to fulfil may be more difficult than was that of some of those who have preceded you. I am persuaded, however, that, while on the one hand, you will show yourself to be possessed of all the high qualities which are essential to the performance of your duties, on the other the Members of this House will give you that full confidence and support without which no Speaker would be able to discharge the duties of his office.

The noble VISCOUNT then moved "That the House do now adjourn."

MR. WALPOLE: Mr. Speaker: Sir, I cannot but regret the unintentional absence of my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli), who, owing to a misunderstanding as to the hour of meeting happens not to be in his place at this moment. Had he been here, I am sure that he would have joined with the noble Lord in congratulating you upon being placed in that Chair. In his absence I will venture to say, referring to those observations, marked equally by good taste and good feeling, which have fallen from you, that there is not a Member on this side of the House—for those on the other side the noble Lord has already spoken—who will not heartily join with you in maintaining the dignity and authority of the Chair, and who will not, in the public proceedings of this House, or in the transaction of private business, render you every possible assistance. We shall be happy to find that you equal, although, as the noble Lord has said, we cannot hope that you will surpass, the admirable conduct which marked the conduct of your predecessor in that Chair.

Motion *agreed to*.

House adjourned accordingly at Three o'clock.

HOUSE OF LORDS,

Friday, May 1, 1857.

The House met; and Five of the LORDS COMMISSIONERS, namely, The LORD CHANCELLOR, the LORD PRESIDENT OF THE COUNCIL (Earl Granville), The LORD PRIVY SEAL (the Earl of Harrowby), The LORD STEWARD (Earl Spencer), and The DUKE of ARGYLL (Postmaster General) — being in their robes, and seated on a form placed between the Throne and the Woolsack, commanded the Gentleman Usher of the Black Rod to let the Commons know "The Lords' Commissioners desire their "immediate attendance in this House."

SPEAKER OF THE HOUSE OF COMMONS, PRESENTED AND APPROVED,

Who being come,

MR. EVELYN DENISON said,

My Lords,

I have to acquaint your Lordships that, in obedience to Her Majesty's commands, Her Majesty's faithful Commons, in the exercise of their undoubted right and privilege, have proceeded to the election of a Speaker, and that their choice has fallen upon myself. I now present myself at your Bar, and submit myself with all humility to Her Majesty's gracious approbation.

Then THE LORD CHANCELLOR said,

Mr. Denison,

We are commanded by Her Majesty to assure you that Her Majesty is fully sensible of your zeal for the public service, and of your ample sufficiency to discharge the important duties which Her faithful Commons have selected you to discharge, and Her Majesty does most readily approve of and confirms you as their Speaker.

Then MR. SPEAKER said,

My Lords,

With the most profound respect and gratitude I bow to Her Majesty's command; And it is now my duty, in the name and on the behalf of the Commons of the United Kingdom, to lay claim, by humble Petition, to their undoubted rights and privileges, especially to freedom from arrest and molestation for their persons and servants, to freedom of speech in debate; and to free access to Her Majesty whenever occasion shall require; and that the most favourable construction shall be put upon all their proceedings. And I have humbly to pray, on my own behalf, that any error that may occur in the discharge of these duties may be imputed to me alone, and not to Her Majesty's faithful Commons.

Then THE LORD CHANCELLOR said,

Mr. Speaker,

We have it further in command to inform you, that Her Majesty most readily confirms all the rights and privileges which have been ever granted to or conferred upon Her faithful Commons by any of Her Royal Predecessors.

With respect to yourself, Sir, though Her Majesty is sensible that you stand in no need of any such assurance, we are commanded to assure you that Her Majesty will ever put the most favourable construction upon your words and actions.

Then the Commons withdrew.

Several Lords took the oaths.

The Duke of Norfolk took the oath prescribed by the Act 10th Geo. IV. to be taken by Peers professing the Roman Catholic religion.

The Right Honourable Charles Shaw Lefevre, having been created Viscount Eversley, was (in the usual manner) *introduced*, and took the oaths.

House adjourned at a quarter past Four o'clock, to Monday next, quarter to Four o'clock.

HOUSE OF COMMONS,

Friday, May 1, 1857.

The House being met, and MR. SPEAKER ELECT having taken the Chair;

A Message was delivered by Sir *Augustus Clifford*, Gentleman Usher of the Black Rod:

Mr. Speaker,

The Lords, authorized by virtue of a Royal Commission, desire the immediate attendance of this Honourable House in the House of Peers.

Accordingly, Mr. Speaker Elect, with the House, went up to the House of Peers, where he was presented to the said Lords Commissioners for Her Majesty's approbation.

Then the LORD CHANCELLOR, one of the said Lords Commissioners, signified Her Majesty's approbation of Mr. Speaker Elect.

The House being returned;

MR. SPEAKER said: I have to acquaint the House that the House has been to the House of Peers; where Her Majesty was pleased, by Her Commissioners, to approve of the choice the House have made of myself to be their Speaker; and that I have, in their name, and on their behalf, by humble petition to Her Majesty, laid claim to all their ancient rights and privileges, particularly that their persons, and servants, might be free from arrests and all molestations; that they may enjoy liberty of speech in all their debates; may have access to Her Majesty's Royal Person whenever occasion shall require; and that all their proceedings may receive from Her Majesty the most favourable construction; which Her Majesty, by Her said Commissioners, has confirmed to the House in as full and ample a manner as they have been heretofore granted or allowed by Her Majesty or any of Her Majesty's Royal Predecessors. Once more repeating my most respectful acknowledgments for the high honour which the House has conferred upon me, I have to remind the House that the next duty which we have to perform is that every Member should take and subscribe the oaths prescribed by law.

And thereupon Mr. Speaker first alone, standing upon the upper step of the Chair, took the oaths of Allegiance and Supremacy, and took and subscribed the Oath of Abjuration, and delivered to the Clerk of the House an account of his qualification.

Then several Members took the Oaths of Allegiance and Supremacy, and took and subscribed the Oath of Abjuration, and delivered to the Clerk of the House an account of their qualification.

And then the House adjourned till To-morrow.

HOUSE OF COMMONS,

Saturday, May 2, 1857.

The House met,—at Twelve o'clock.

Several other Members took the Oaths.

House adjourned at Four o'clock.

HOUSE OF LORDS,

Monday, May 4, 1857.

Took the Oaths—Several Lords.

House adjourned at Five o'clock till To-morrow, Four o'clock.

HOUSE OF COMMONS,

Monday, May 4, 1857.

The House met,—at One o'clock.

Several other Members took the Oaths.

House adjourned at a quarter after Four o'clock.

HOUSE OF LORDS,

Tuesday, May 5, 1857.

Took the Oaths—Several Lords.

House adjourned at Five o'clock to Thursday next, Two o'clock.

HOUSE OF COMMONS,

Tuesday, May 5, 1857.

The House met,—at Two o'clock.

Several other Members took the Oaths; and one Member, having been one of the People called Quakers, and entertaining conscientious objections to the taking of an Oath, made the Affirmation required by Law.

House Adjourned at Four o'clock.

HOUSE OF COMMONS,

Wednesday, May 6, 1857.

The House met,—at Two o'clock.

Several other Members took the Oaths; and one Member, being one of the people called Quakers, made the Affirmation required by Law.

House adjourned at Four o'clock.

HOUSE OF LORDS,

Thursday, May 7, 1857.

MINUTES.] *Took the Oaths.*—Several Lords; Several Lords took the Oath prescribed by the Act 10 *Geo.* IV., to be taken by Peers professing the Roman Catholic Religion.

Select Vestries—Bill, *pro formâ*, read 1^a.

THE LORDS COMMISSIONERS' SPEECH.

THE LORDS COMMISSIONERS, namely, the LORD CHANCELLOR, the LORD PRESIDENT OF THE COUNCIL (Earl Granville), the LORD STEWARD (Earl Spencer), Lord STANLEY of ALDERLEY (President of the Board of Trade), and the DUKE of ARGYLL (Postmaster General), being in their robes, and seated on a form placed between the Throne and the Woolsack, commanded the Gentleman Usher of the Black Rod to signify to the Commons "The Lords Commissioners desire their immediate attendance in this House."

Who being come, with their Speaker,

THE LORD CHANCELLOR, in pursuance of Her Majesty's Commands, *delivered* the Speech of The LORDS COMMISSIONERS to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

"WE are commanded to inform you, that Her Majesty has availed Herself of the earliest Opportunity of having recourse to your Advice and Assistance after the Dissolution of the last Parliament; and Her Majesty trusts that there will be found sufficient Time during the present Session to enable you satisfactorily to deal with various important Matters, some of which had occupied the Attention of Parliament in the Beginning of this Year.

"We are commanded by Her Majesty to inform you, that the general Aspect of Affairs in *Europe* affords a well-grounded Confidence in the Continuance of Peace.

"All the main Stipulations of the Treaty of *Paris* have been carried into execution, and it is to be hoped that what remains to be done in regard to those Matters will be speedily accomplished.

"The Negotiations upon the Subject of the Differences which had arisen between The King of *Prussia* and the *Swiss* Confederation, in regard to the Affairs of *Neuchâtel*, are drawing to a Close, and will, Her Majesty trusts, be terminated by an Arrangement honourable and satisfactory to all Parties.

"The Negotiations in which Her Majesty has been engaged with the Government of the *United States*, and with the Government of *Honduras*, in regard to the Affairs of *Central America*, have not yet been brought to a Close.

"We are commanded by Her Majesty to inform you, that a Treaty of Peace between Her Majesty and The Shah of *Persia* was signed at *Paris* on the Fourth of *March*, by Her Majesty's Ambassador at *Paris* and by the Ambassador of The Shah; and Her Majesty will give Directions that this Treaty shall be laid before you as soon as the Ratifications thereof shall have been duly exchanged.

"Her Majesty commands us to express to you Her Regret that, at the Date of the latest Advices from *China*, the Differences which had arisen between the High Commissioner at *Canton* and Her Majesty's Civil and Naval Officers in *China* still remain unadjusted. But Her Majesty has sent to *China* a Plenipotentiary fully instructed to deal with all Matters of Difference, and that Plenipotentiary will be supported by an adequate Naval and Military Force, in the event of such Assistance becoming necessary.

"We are commanded to inform you, that Her Majesty, in conjunction with several other *European* Powers, has concluded a Treaty with The King of *Denmark* for the Redemption of the Sound Dues. This Treaty, together with a separate Convention between Her Majesty and the King of *Denmark*, completing the Arrangement, will be laid before you, and Her Majesty will cause the Measures necessary for fulfilling the Engagements thereby contracted to be submitted for your Consideration.

"*Gentlemen of the House of Commons,*

"HER MAJESTY has directed the Estimates for the present Year to be laid before you.

"They have been prepared with a careful Attention to Economy, and with a due regard to the Efficiency of the Departments of the Public Service to which they severally relate.

"*My Lords, and Gentlemen,*

"HER MAJESTY commands us to recommend to your earnest Consideration Measures which will be proposed to you for the Consolidation and Improvement of the Law.

"Bills will be submitted to you for improving the Laws relating to the Testamentary and Matrimonial Jurisdiction now exercised by the Ecclesiastical Courts, and also for checking fraudulent Breaches of Trust.

"Her Majesty commands us to express to you Her heartfelt Gratification at witnessing the continued Well-being and Contentment of Her People, and the progressive Development of productive Industry throughout Her Dominions.

"Her Majesty confidently commits to your Wisdom and Care the great Interests of Her Empire, and fervently prays that the Blessing of Almighty God may be vouchsafed to your Deliberations, and may lead you to Conclusions conducive to the Objects of Her Majesty's constant Solicitude, the Welfare and Happiness of Her loyal and faithful People."

Then the COMMONS withdrew.

House adjourned during pleasure.

House resumed.

ADDRESS IN ANSWER TO THE SPEECH.

The LORDS COMMISSIONERS' Speech having been *reported* by The LORD CHANCELLOR,

THE MARQUESS TOWNSHEND: My Lords, in rising to move the Address of this

House in reply to Her most Gracious Majesty's Speech, I feel that the burden which has been cast upon me in the performance of this duty is very great, and although I feel that the Government have conferred upon me a great distinction in inviting me to undertake the duty, I feel at the same time how inadequate I am to its performance, and how much indulgence I have to claim on the part of this House for any errors of omission or of commission that I may fall into. It is my intention, however, as far as I possibly can, to confine myself strictly to the topics embraced in the Speech from the Throne. I think that allusion to other matters not of immediate necessity had better be avoided, in order that your Lordships may come to that most desirable object—an unanimous and satisfactory vote on the Address in reply to Her Majesty's Speech. In discharging the duty confided to me, I shall detain your Lordships but a very short time. The Speech contains matter so little exceptionable in its character that I cannot doubt it will obtain the ready concurrence of your Lordships. I must, however, be permitted to make one or two observations respecting the cause of the assembling of this new Parliament, which has been called together under circumstances with which the whole House are familiar. A vote of the late House of Commons, as it will be in the recollection of your Lordships, decided substantially that the present Government had lost the confidence of the House, and it therefore became necessary that they should relinquish office or appeal to the country. It was within a very few hours of the dissolution of the Parliament that I heard, with very great regret, a noble Earl, not now in his place, (the Earl of Derby), use some expressions against the noble Lord at the head of Her Majesty's Government which were not fairly applicable to the noble Lord. I regretted to hear those observations, because they were unworthy of the noble Earl who gave expression to them, and certainly were not such as ought to have been applied to a man like the noble Lord at the head of the Government. The noble Earl said that the noble Lord had no fixed principles on which to go to the country—that he had only a name. Well, the noble Lord certainly had a name; it was for the country to judge whether he had principles. He appealed to the country, and the appeal was successful. The country accepted the name, and stood fast by the man, who supported by others, able, no doubt, as they were in many respects, were deficient in the hour of trial, and fled dismayed and panic-struck from office, leaving the noble Lord to carry the country through the fearful struggles of a bloody war to safety and success. I say they recognised in the noble Lord the man who had brought the war to a glorious and triumphant issue, and they acted accordingly. Moreover, I will make one remark, which may not be very palatable to some noble Lords opposite, but which, nevertheless, I believe to be true—they said that the noble Lord did not desert men who were acting to the best of their judgments for the interests of the country, under very difficult circumstances many thousands of miles off; but that, on the contrary, he stood by them when they were assailed in Parliament, and gave them his best support;—and, by so doing, he had, beyond doubt, greatly augmented the feeling of the country in his favour. The country, then, when appealed to, most unequivocally decided that the noble Lord and the rest of the Government were the men who should be in power and office, and not those men who sought to arrive at both, by forsaking and giving up men who had served their country to the best of their ability, under circumstances of great difficulty, and by lending themselves, I am sorry to say, to the humiliation of the British flag.

My Lords, it is satisfactory to know that the most amicable relations exist between this country, and nearly all the other European Powers, and that the general aspect of affairs affords a well-grounded confidence in the continuance of peace.

It is impossible not to regret the rupture —if rupture I may call it—which has occurred between the Governments of Great Britain and Naples; but, although it is impossible to contemplate without horror, the infamous barbarities which are committed in that country, this country can only look on, and trust that Providence will, in its own good time, amend this condition of things, and restrain the excesses of the Neapolitan Government.

I regret that Her Majesty's Ministers are unable to announce in the Speech from the Throne, the termination of hostilities at Canton. Her Majesty, however, announces that She has sent a Plenipotentiary to China, fully instructed to deal with all matters of difference; and, I have no doubt, that when the reinforcements which are on their way to that quarter of the world have arrived, and when the British forces resume operations, these barbarians—for barbarians they are, and of the worst type—will speedily be brought to their senses, and taught that they will no longer be permitted to perpetrate such atrocities with impunity.

My Lords, there are several matters of domestic government which are mentioned in the Speech from the Throne; as, for instance, matters relating to the improvement of the laws relating to the testamentary and matrimonial jurisdiction of the Ecclesiastical Courts, and for checking fraudulent breaches of trust; to which it is not necessary that I should further refer than to express a hope that they will receive the earnest and attentive consideration of Parliament. For my own part, however, I regret that nothing is said in the Speech on the subject of Parliamentary Reform, which I believe might now be carried into effect with perfect safety. The people have been long and patiently expecting some measure of Parliamentary Reform, and I have no doubt that the noble Lord at the head of the Government could propose and carry a measure of reform quite as extensive as reasonable men desired, and perhaps a good deal more so than some of their Lordships would like. I certainly think that the progress which has been made in education, and the spirit of order and obedience to the laws which characterizes them, shows that large masses of the people of this country are fit for the exercise of the electoral franchise, and I think it most unwise and most unjust to withhold it from them merely because the subject has not been extensively agitated through the country. There is also another point which I should be very glad to see effected. I mean a settlement of the church-rate question. In what manner that settlement should be effected it is not, of course, for me to say; but I believe that the members of the Church of England will not be dissatisfied with any arrangement which will relieve those who are not members of that Church from contributing to its support by payment of church rates, provided it do not affect the stability of the Church. I trust also that a measure for the admission of the Jews into Parliament will be introduced and will be received with more favour in that House than had hitherto been the case with respect to similar measures. The House of Commons has repeatedly passed measures for the relief of the Jews from this disability; and I hope this House will now act in the same spirit. I must confess my surprise that in these days of enlightenment any persons should be so bigoted—for I can use no other word—as to refuse a man admission into the House of Commons merely because he happened to be a Jew. The House of Commons had no objection to have Jews sitting in that House; and, for my own part, I not only hope to see them sit there, but I should have no objection to seeing them sit in the House of Lords. I hope, therefore, that if, as is probable, a measure should come up to their Lordships from the other House, backed by a large majority of the Commons, the good sense of this House will induce it to receive it with favour and to give it their sanction.

My Lords, I have now touched upon all the topics to which I think it necessary to advert, and I will now conclude by moving an Address to Her Majesty in answer to Her gracious Speech from the Throne, which I hope will meet with the unanimous concurrence of your Lordships.

The following is a copy of the Address agreed to.

"MOST GRACIOUS SOVEREIGN,

"WE, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for the gracious Speech which Your Majesty has commanded to be made to both Houses of Parliament.

"WE humbly thank Your Majesty for informing us, that Your Majesty has availed Yourself of the earliest Opportunity of having recourse to our Advice and Assistance after the Dissolution of the last Parliament, trusting that there will be found sufficient Time during the present Session to enable us satisfactorily to deal with various important Matters, some of which had occupied the Attention of Parliament in the Beginning of this Year.

"WE thank Your Majesty for informing us, that the general Aspect of Affairs in *Europe* affords a well-grounded Confidence in the Continuance of Peace.

"WE thank Your Majesty for informing us, that all the main Stipulations of the Treaty of *Paris* have been carried into execution; and we assure Your Majesty that we participate in the Hope that what remains to be done in regard to those Matters will be speedily accomplished.

"We humbly thank Your Majesty for informing us, that the Negotiations upon the Subject of the Differences which had arisen between The King of *Prussia* and the *Swiss* Confederation, in regard to the Affairs of *Neufchâtel*, are drawing to a Close, and that Your Majesty trusts that those Negotiations will be terminated by an Arrangement honourable and satisfactory to all Parties.

"We thank Your Majesty for informing us, that the Negotiations in which Your Majesty has been engaged with the Government of the *United States*, and with the Government of *Honduras*, in regard to the Affairs of *Central America*, have not yet been brought to a Close.

"We thank Your Majesty for informing us, that a Treaty of Peace between Your Majesty and The Shah of *Persia* was signed at *Paris* on the Fourth of *March*, by Your Majesty's Ambassador at *Paris* and by the Ambassador of The Shah; and we thank Your Majesty for Your Majesty's gracious Intimation, that this Treaty will be laid before us as soon as the Ratifications thereof shall have been duly exchanged.

"We humbly assure Your Majesty, that we share Your Majesty's Regret that, at the Date of the latest Advices from *China*, the Differences which had arisen between the High Commissioner at *Canton* and Your Majesty's Civil and Naval Officers in *China* still remained unadjusted; and we humbly convey our Thanks to Your Majesty for informing us, that Your Majesty has sent to *China* a Plenipotentiary fully instructed to deal with all Matters of Difference, who will be supported by an adequate Naval and Military Force, in the event of that Support becoming necessary.

"We thank Your Majesty for informing us, that, in conjunction with several other *European* Powers, Your Majesty has concluded a Treaty with The King of *Denmark* for the Redemption of the Sound Dues; and that this Treaty, together with a separate Convention between Your Majesty and The King of *Denmark*, completing the Arrangement, will be laid before us; and also for informing us, that Your Majesty will cause the Measures necessary for fulfilling the Engagements thereby contracted to be submitted for our Consideration.

"We humbly assure Your Majesty, that we will take into our earnest Consideration the Measures which are to be proposed to us for the Consolidation and Improvement of the Law; and we thank Your Majesty for informing us, that Bills will be submitted to us for improving the Laws relating to the Testamentary and Matrimonial Jurisdiction now exercised by the Ecclesiastical Courts, and also for checking fraudulent Breaches of Trust.

"We assure Your Majesty, that we share Your Majesty's heartfelt Gratification at witnessing the continued Well-being and Contentment of Your Majesty's People, and the progressive Development of productive Industry throughout Your Majesty's Dominions.

"We humbly thank Your Majesty for being pleased to assure us, that Your Majesty confidently commits the great Interests of Your Majesty's Empire to our Wisdom and Care; and we humbly assure Your Majesty, that in common with Your Majesty, we fervently pray that the Blessing of Almighty God may be vouchsafed to our Deliberations, and may lead us to Conclusions conducive to the Objects of Your Majesty's constant Solicitude, the Welfare and Happiness of Your Majesty's loyal and faithful People."

The Earl of PORTSMOUTH: My Lords, in seconding the Address which has been just moved by the noble Marquess, I will claim your indulgence but for a few minutes while I touch lightly upon some of the points referred to in the Speech from the Throne. I heard with much pleasure the allusion in the Royal Speech to the good feeling existing generally between the great Powers of Europe, which had been specially evinced in the prompt and honourable manner in which the conditions of the Treaty of Paris had been so nearly fulfilled. And I must express my satisfaction that the sovereign of that vast empire with which we were so recently engaged in a rivalry of arms, having seen the desolation brought on his country by war, has now entered into rivalry with us in the arts of peace. It also gave me great pleasure to hear from the Royal Speech that a treaty of peace had been signed with Persia. This treaty affords another proof—if any proof were wanted—of the spirit of moderation which actuates this country, and shows that when England engages in war, she wars, not for conquest but on account of broken treaties. As regarded the hostilities in which we are actually engaged with Persia, I must be allowed to express my opinion that Her Majesty's Government deserve great credit for breaking through the old course of routine, by appointing Sir James Outram, an Indian officer, to the chief command of the expedition—that was putting the right man in the right place, and they deserved every credit for it. However, before quitting this subject, my Lords, I must say I am proud, as an Englishman, to find that my countrymen have manifested the same gallantry in Persia that has distinguished them in every other part of the world. The thanks of the country are especially due to the Native Indian troops for the gallantry displayed by them, particularly in the charge of the Irregular Cavalry at the battle of Khooshab. Their conduct upon that occasion is another proof that the Indian Native troops, when efficiently led, are animated by the same gallantry and determination as they exhibited under Clive and under the greatest of modern warriors —Wellington, who gained his spurs on the plains of India when commanding Indian native troops. Leaving this part of the subject, and going to another part of the world, I cannot but express my regret at finding from Her Majesty's Speech that the differences with China remain unadjusted. But I conceive that the honour of this country is at stake, and I am sure that there is no man imbued with the spirit of patriotism but feels that the war in which we are now engaged must be carried to the same successful issue as that to which England is accustomed to conduct any war in which she happens to be engaged. I trust that the result, by opening that important empire to the commerce of the world, will be to promote the interests of both countries, and the extension of trade and civilization, and eventually be beneficial to both countries. I cannot but express my pleasure at having heard that a treaty has been signed, in conjunction with several other European Powers, with the King of Denmark, for putting an end to that most grievous impost, the Sound dues. From the arrangements which have been agreed upon, I anticipate very great advantages to our commerce, and that the friendly relations subsisting between the two countries will be thereby further strengthened and secured.

Turning from foreign to domestic questions, I was much pleased to observe the recommendations of the Royal Speech referring to the consolidation and improvement of the law. I am sure your Lordships will agree with me that there is no reform so much needed in this country as a reform of the law; and I am convinced I speak the sentiments of noble Lords around me who are interested in land, when I say that there is no tax so grievous as the attorney's bill tax. A measure which would have the effect of cutting down 13*s*. 4*d*. to 6*s*. 8*d*. would be a great benefit to the country, but he who could reduce 6*s*. 8*d*. to 3*s*. 4*d*. would deserve the lasting gratitude of his approving countrymen. By simplification of the law, on the one hand, you would diminish litigation; and, on the other, place justice within reach of the poor man, now so often kept from it. I felt equally gratified at hearing that measures are to be submitted to Parliament for the reform and improvement of the ecclesiastical courts. These courts have long been a disgrace to the country, and when the contemplated measures come before us, I trust that they will be found so advantageous, that both parties—Whigs and Tories—will unite in putting an end to the present disgraceful system. Her Majesty also alluded to measures about to be introduced for checking fraudulent breaches of trust. To what extent the widow and the orphan have been plundered from this cause no one will ever be able to tell. For my part, I am of opinion that the man who robs the widow or the orphan is as justly deserving of condign punishment as the poisoner or the murderer: I rejoice, therefore, at hearing that Parliament is to be called upon to legislate on this important subject. My noble Friend the Mover of the Address in reply to Her Majesty's most gracious Speech, referred to the subject of church rates. I own that I also feel very anxious concerning that question. It would certainly give me very great pleasure to support a Bill to promote the abolition of church rates; but I have that confidence in Her Majesty's Government that I am satisfied they will take an early opportunity of endeavouring to settle a question which unfortunately has had the effect of placing in offensive antagonism the Church and Dissent. My Lords, I must apologize to your Lordships for the imperfect remarks with which I have detained you, and I will now conclude by seconding the Address.

THE EARL OF MALMESBURY: If from private feelings and reasons I regret the absence of my noble Friend (the Earl of Derby), who usually sits on the bench near me, those feelings of regret are increased in consequence of the task which I am at this moment obliged, as it were, to undertake, of attempting—a vain attempt, I know—to fill his place for a few minutes. Your Lordships will bear in mind that my noble Friend, while leading most ably this side of the House, always desires that on occasions like the present the Address to the Throne should be carried in no churlish or reluctant spirit, but should be passed with unanimity by your Lordships. I am glad to say that I have no apprehension of a contrary course being taken to-night. I see nothing in the Speech delivered by the Royal Commissioners which can provoke discussion or induce any one to oppose the Address in answer to it recommended by the noble Marquess and the noble Earl opposite. Nevertheless, for a moment I confess I had some fear that this might not be the case, when I listened to certain observations which fell from the noble Marquess; and if I were to take his speech as an appendix to the Speech from the Throne, I certainly could not resume my seat without commenting, however reluctantly, on some of the topics which the noble Marquess has been pleased to introduce to the notice of your Lordships, and which are not to be found in the copies of the Royal Speech in your Lordships' hands. The noble Marquess, having omitted to notice three or four important subjects to be found in the middle of the Speech from the Throne, introduced two other subjects not less important,—Parliamentary reform and church rates. Now, I do think that if any one desired to raise a discussion, the best thing he could do would be to select either one or both of those subjects, which Her Majesty, in my opinion, wisely omitted from the Speech from the Throne, but which the noble Marquess introduced into his. Although, however, the speech of the noble Marquess is subsequent to the Speech from the Throne, I suppose it is the Speech of Her Majesty alone which is to be looked upon as authentic in this House, and in respect to which the Address is to be voted, and therefore I will not follow the noble Marquess in the observations he has made on topics not mentioned by the Queen. I think, then, that the Government do not take too sanguine a view when they express a hope that "there will be found sufficient time during the present Session to deal with the various important matters" alluded to in the Speech from the Throne. It is very true the time is short, but when I come to examine the list of measures proposed to be brought forward, I must admit that we may fairly hope to get through it in the present Session. We sitting on this side of the House cannot but share in the pleasure expressed by the Mover and Seconder of the Address in reference to that paragraph of the Royal Speech which announces that the peace of Europe is likely to continue undisturbed; and I wish it could have been added that peace in Asia is also assured. I am of opinion that the peace of Europe is secure so long as that important alliance now upon so happy a footing between ourselves and France continues; and I believe that for its continuance nothing is required but a judicious consideration of the different positions of France and England, both geographically and constitutionally. I say this because I have sometimes remarked a natural impatience on the part of the English people in consequence of their neighbours not having a constitution as free as their own, forgetting what ought not to be forgotten, that the constitutions of both countries were created by the popular voice, and, therefore, though differing in detail, they proceed from the same foundation. The next point to which the Royal Speech adverts is that which remains to be accomplished in respect to the stipulations of the Treaty of Paris, the arrangements relative to the Principalities of Wallachia and Moldavia having been left in an incomplete state. Upon this point I shall only remark that I hope my noble Friend opposite the Secretary of State for Foreign Affairs will not forget the original object of the war with Russia, which has now happily ceased. That object I understood to be to secure the future independence and integrity of the Turkish Empire against any attack from its powerful neighbour. Now, however tempting it might be to uphold what is called the "cause of nationalties," I trust that the more practical and the original object of the war will be kept in view, and the Turkish frontier rendered secure in the most effective manner, whether it be effected by a union of the two Principalities or by keeping them separate. With respect to the settlement of the affairs of Neufchâtel, your Lordships can but express your pleasure at the assurance, that this difficult dispute was nearly brought to a conclusion honourable and satisfactory to all parties concerned; for there is always felt in this country the greatest possible sympathy with Switzerland, on account of resemblance in religious and constitutional principles. With respect to the peace fortunately concluded with Persia, I trust that Her Majesty's Government will inform the House at what date they expect that the news of that peace would reach Sir James Outram and his army, so that we may have some hope of an end being put to the unnecessary shedding of blood, all the more to be regretted that it had taken place after the terms of peace had been concluded. I do not know that I should have said anything upon a subject which is perhaps the most important in the whole speech, and which has certainly occupied the attention of this country of late more than any other—I mean the dispute with China—had it not been for a reference to the past debates upon that subject which was made by the noble Marquess who moved the Address, and which I cannot help thinking had better have been omitted. It appears almost childish to tell your Lordships that we on this side of the House and some noble Lords on the other side, who took a different view of the question to that which was entertained by Her Majesty's Ministers, did so from a deep sense of duty and from no other feeling. It would be almost childish, I say, to repeat that assertion to your Lordships, because I am persuaded that no one ever records a vote in this House without conscientiously believing that in giving that vote he is performing an act of duty. But the noble Marquess, in alluding to what had taken place on the occasion referred to, had made use of an expression which I cannot allow to remain unnoticed. I should not have referred to it, however, had it not been the echo of what was stated by a more important personage than the noble Marquess—I mean the noble Viscount at the head of Her Majesty's Government. The noble Marquess, adopting the tone of the noble Viscount, said that the opponents of the Government on that occasion were prepared for the sake of office to accept—as I understood him—the degradation of the English flag. A heavier charge, my Lords, could not by possibility be laid upon any Member of Parliament, nor upon any gentleman in this country. I would gladly have avoided alluding to, even if I could not forget, the almost similar terms which were made use of by the noble Viscount at the head of the Government. Referring to those persons who from their antecedents, or other circumstances, might have been expected to succeed him in office, the noble Viscount had not scrupled to say of them and of those who had voted against his views on the China question, that they were men who had "thus endeavoured to make the humiliation and degradation of their country the stepping-stone to power." My Lords, I do not believe that there is any precedent for language such as that ever proceeding from so high a source. I do not think that even in the heat of any debate I ever heard such language; but your Lordships must recollect that the language to which I refer was not spoken in the heat of debate, but that it was calmly written, printed, and addressed by the noble Viscount to his constituents at Tiverton. Of the noble Viscount's attack, therefore, I say no more than that it was unworthy his great reputation, talent, and position, and that it was as absurd as it was unworthy. It was absurd, because in a degraded country no power is attached to office; on the contrary, the man who rules such a country is the most degraded being in it. Forgive me, my Lords, if I have spoken with warmth on this subject, for I confess that I feel strongly upon it. But to revert to the question of China. We never denied upon this side of the House that the Chinese had given to this country considerable cause of offence; but what we stated was, that the punishment inflicted was out of proportion to the offence—that populations destroyed and towns attacked were rather too strong measures of retaliation for the affront which had been offered by the Chinese authorities. We added that we thought Her Majesty's officers in

China — I mean the Plenipotentiary and Admiral at Canton—should have waited for further orders from home before they proceeded to the extremities to which they have had recourse. Those were the points on which we grounded our opposition; and I must add now that if Her Majesty's Government had at the time been pleased to state, as they now do in the Royal Speech, that they were about to send an eminent person to settle the differences in China, my firm belief is that no division would have taken place on that question, and that Her Majesty's Government would not have been opposed. Beyond the few words which I have now addressed to your Lordships I have only further to express a hope, that when the Estimates for the present year come to be presented we shall find that the promise that they will be drawn up with a careful attention to economy is not a mere idle and formal phrase. I hope that the Royal Speech does not contain a mere stereotyped phrase when it states "that the Estimates for the present year have been prepared with a careful attention to economy, and with a due regard to the efficiency of the several departments to which they severally relate." I hope they really have been drawn up "with a careful attention to economy." With a war, or something very like it in China, and that too at the close of an expensive struggle with Russia, the country surely cannot afford to throw away a single shilling, and I shall upon a future occasion take an opportunity of bringing before your Lordships what appears to me to be considerable extravagance and waste of public money now taking place within this very metropolis. I hope that the Government will omit nothing in order to carry out the war in China with vigour and effect to a speedy and successful termination, for I can assure them that they will not find upon this side of the House any undue reluctance to assist them with all that can be required to make England's power acknowledged and respected. That they may be armed with the means, however, to maintain the honour of the country, the strictest economy in other matters will be not only desirable, but necessary. Having said thus much I can only presume, in the unfortunate absence of my noble Friend, to advise my noble Friends behind me to assent to the terms of the Address which has been proposed by the noble Marquess; and I, for one, shall do so most cheerfully.

Earl GRANVILLE: In answer to the question which was addressed to Her Majesty's Government by the noble Earl who has just sat down, I have to state that a telegraphic message has been received this very afternoon, from which it appears that on the 5th of April the General commanding the British forces in Persia received information of the treaty with Persia having been signed at Paris; and that the same information was communicated to the Persian general, whose name I do not at the moment recollect; so that we can have no doubt that subsequently to that date all unnecessary bloodshed had ceased. The observations of the noble Earl with respect to the propriety of our joining with as much unanimity as possible in our respectful Address to the Throne were so just and courteous in their tone, that I should have had nothing to add, if I had not thought that he a little misunderstood the intention of the noble Marquess behind me when he stated that the noble Marquess had endeavoured to raise questions which might disturb that unanimity which was so desirable in agreeing to an Address to the Crown. As to the expressions of the noble Viscount at the head of the Government, which were said to have been repeated by the noble Marquess, I cannot admit that in fairness they bear the interpretation which the noble Earl has put upon them. No doubt in the contest of parties questions are occasionally raised with the view of displacing those in power, and it may be that such questions are most properly raised; but if the noble Earl thought that the noble Viscount went beyond the ordinary bounds, let me remind the noble Earl—although at the same time I deprecate the introduction of these personal matters—that at the close of the late Session the noble Earl not now present (the Earl of Derby) did in this House give a very strong and personal description of that noble Viscount, which, in my opinion, in the opinion of my noble Friends behind me, and in the opinion of the country, were not borne out by facts. I have thought it right to mention this, although it is very undesirable upon these occasions to enter upon questions of a personal nature, or to advert to topics which may give rise to any debate of an acrimonious or disagreeable character; and I sincerely hope that any bitterness which may have been excited during the elections has by this time subsided, so that we may now apply ourselves, according to our several opinions, with earnestness to the consideration of those measures which may most tend to the advantage of the community at large. I have nothing more to add, my Lords, to the very courteous terms in which the noble Earl has asked you to agree to the Address. I, of course, concur in that request, and I hope that we may join unanimously in presenting to Her Majesty the Address which has been moved and seconded by my noble Friends behind me.

THE MARQUESS OF CLANRICARDE: It is not my intention to disturb the unanimity which appears to prevail among your Lordships with respect to the Address; but there is one point upon which I wish to offer a few remarks, and to which I must solicit the attention of the noble Lord the Secretary for War—I mean that part of the Royal Speech which refers to the expedition which has been sent out to China to support Her Majesty's Commissioner and Plenipotentiary in that country. If, unfortunately, the services of that expedition should be called into exercise by the necessities of the case, the success of its operations must, of course, greatly depend upon the authority and influence as well as the abilities of the person who has the charge of it, and I submit that it is the duty of the Government, of the Parliament, and of the country, upon all occasions to sustain those whom they have placed in high and difficult positions against attacks which may be made upon them when they have no opportunity to defend themselves. From this observation, I think your Lordships will gather that I am about to advert very shortly to the attacks made against General Ashburnham—attacks of a nature which I do not think ought to be entirely disregarded, either by Parliament or by the country. If these attacks consisted merely of articles in newspapers I should be the first to say that, looking to the freedom of the press of this country, it would be unwise for the Government to interfere and impossible for Parliament to control it; but the attacks to which I allude have been made by officers in Her Majesty's service, who must be, or, at least, who might be, known to the military Authorities and to the Government of the country; and these attacks have been directed against the professional character and personal courage of the General, to whom has been confided the conduct of the expedition to China. I must say I think we ought to have some explanation on this head, and, as to-night the Government is not embarrassed by any controversy on the subject of the Address, I hope I shall not be considered as going out of the proper track in alluding to the subject at this the very first opportunity. General Ashburnham was, as your Lordships will recollect, appointed to the distinguished post, which he now has the honour to fill, early in the month of March. He did not leave this country for some weeks after receiving that appointment, which was, of course, commented upon in the newspapers in a manner which became the free and unshackled press of this country. But after he was gone, and when he was no longer in Europe, it appears that an officer did not think it unworthy of his position to make an attack upon the professional character of the General, in a manner of which I think Her Majesty's Government ought to take some public notice. In the letter to which I allude (no doubt all your Lordships have read it, and I will not therefore trouble you by quoting any portion of it), General Ashburnham was distinctly charged with cowardice and incapacity. The letter has certainly drawn forth answers to it; but in my opinion, officers ought not to be allowed to make these attacks upon Generals in high command, for no one can doubt, that a practice of this sort can neither add to the efficiency of the public service, nor promote the public interest. I am not sufficiently acquainted with the regulations of the army to know how far they may be made applicable to this case, but the person who signs himself "M. L." describes himself as having served upon the staff of a particular brigadier on a particular occasion, and as having carried a message on this occasion to General Ashburnham, and I imagine therefore that his identity must be known. In fact, I am told that his name is known, though I do not know it, nor do I wish to know it. In this letter, I repeat, General Ashburnham was charged with a want of due courage and with incapacity. It was stated that Lord Gough might be appealed to in proof of this charge; that his Lorship was highly exasperated on the occasion referred to, but, that he had, nevertheless, favourably represented General Ashburnham's conduct in his despatches home; and then it was added with a sort of sneer that the General was rewarded for his distinguished service. I hope my noble Friend the Secretary for War will tell the House whether he has the power of taking any steps in this matter, and also whether it is his opinion that such conduct as this on the part of officers in Her Majesty's service ought to pass with impunity. If, after there have been plenty of opportunities for making comments to a man's face, and for criticising an appointment which it was still possible to revoke, a General's professional character and capacity are to be assailed, when he has turned his back, by officers inferior in rank, the service of the country will be regarded as dangerous, and will no longer continue an object of desire to men of gallantry and honour.

Lord PANMURE: After what has just fallen from my noble Friend, it seems necessary for me to say a few words on the subject to which he has addressed himself. I am very glad, my Lords, that my noble Friend has drawn your attention to the attack which has been made upon General Ashburnham. General Ashburnham was appointed to the command, which he has assumed, on the 14th of March last. Parliament was sitting for a week after that appointment was made, and if therefore it had been wished to raise any objections in either House of Parliament to the appointment, a legitimate opportunity existed of doing so for a full week. General Ashburnham remained in this country for some weeks up to the 21st of April, and yet, during the whole of his stay here, not one objection was raised in any public print with respect to his fitness, either in his general professional character as a soldier, or in his capacity as commander of this expedition. Scarcely, however, had this gallant Officer's back been turned, when, misled I have no doubt by false information (for of the real facts the newspaper, to which I refer, plainly must have been ignorant), an article appeared reflecting, not simply upon General Ashburnham's capacity to execute the duties which he had undertaken, but reflecting also upon that which is most dear of all to a British officer—his personal courage. The first fruits of such an attack were that it opened the columns of the public press to all the malignant slanders which too many officers are, I am sorry to say, ready to launch aganst an eminent member of their own profession. I cannot ascertain the names of those individuals; but I am quite content to say this—that any officer in Her Majesty's service, whether he be in the Line or whether he be in the Company's ranks, who anonymously traduces a brother officer, is unfit to carry the commission of the Queen, and unfit to associate with his companions in the profession. Now, what are the facts of this case? General Ashburnham is accused of not having attacked a certain position at a period which, in the opinion of this anonymous "M. L.," was the proper period to have made that attack. At that time General Ashburnham was acting under the orders of the Commander in Chief of the army in which he was serving. He had received no counter orders which justified him in acting otherwise than he did; and, because he resisted the advice of a General commanding the Artillery, conveyed to him by "M. L.," he seems to have excited the wrath and indignation of this individual, the weight of which I think General Ashburnham may easily bear. What might have been the consequence, had General Ashburnham disobeyed the orders of the Commander in Chief and obeyed those of a subordinate officer? It might have disarranged the whole plans of the commander. All military combinations and movements depend upon obedience to orders and strict punctuality in point of time, and this "M. L." seems to have been ignorant of the first duties of a soldier when he complains of General Ashburnham, because he did not depart from the orders he had received from his Commander in Chief. What was the Duke of Wellington's opinion upon matters of this sort? He had once posted a very gallant officer commanding a troop of artillery in a particular place upon a particular occasion, ordering him to remain at that post until he received counter instructions. That officer took up the position, but soon afterwards saw the whole army defile before him, and pass him on the way to attack the enemy. Galled by seeing his troop left behind, he at once limbered up and followed the rest of the army. What was the result? The reverse, the possibility of which the Duke of Wellington had foreseen, and in order to guard against which he had posted this troop of artillery in this particular spot, actually took place; the artillery was not in the position assigned to it at the critical moment, could not do the duty assigned to it, and consequently great misfortunes and loss befell a portion of the army. The result was that, without listening to any excuse from him, without considering his acknowledged gallantry, the Duke of Wellington superseded this unfortunate officer and sent hin home. It was only after the greatest and most earnest entreaty that, in the campaign of 1815, recollecting what this officer had done in the Peninsula, the Duke of Wellington was at last persuaded to forgive him and appoint him to a command, and at the battle of Waterloo he fell gloriously fighting at the head of his batteries. Such was the Duke of Wellington's view of the obedience which should be paid by a soldier to the commands in the first instance issued to him, and we all know perfectly well that there was no officer he prized so highly in all his army, or to whom he so readily intrusted the command of a combined movement with such entire confidence as the late Lord Hill, and this arose from the simple fact that there was no man who kept his time more punctually in all such combinations, or upon whom in such matters he could so entirely rely. In this respect, then, I think General Ashburnham is fairly justified against all the imputations which these anonymous slanderers have brought against him. As to General Ashburnham's fitness to undertake the post he had assumed, I may remind your Lordships, that as a reward for his gallantry in India he was appointed aide-de-camp to his Sovereign, and that he also received the Order of the Bath, which proves that his conduct in the field must have been professionally approved, or otherwise he would not have been recommended for these honours. But he did more than exhibit mere gallantry when acting against the enemy. In quarters, as well as in the field, he showed himself well capable of serving his Sovereign. During his Indian service General Ashburnham converted Ferozepore from being one of the dirtiest and filthiest into one of the best regulated quarters. He did more—he improved the morality, cared for the health, and won the affections of the troops that he commanded more than almost any other officer in India. Convinced, therefore, of his professional competency and experience, and of his skill and capacity in providing for the comfort and safety of troops in hot climates, Her Majesty's Government selected him for the command to which they have appointed him, in which command I know he will distinguish himself if an opportunity offer. I think that when general officers are appointed to distant and important commands, the greatest care should be taken against their being held up to public scorn; or, on the other hand, erring in overrating them and holding them up prematurely to public approbation. The adoption of either of these courses is calculated to excite commanders to do something injudicious, either for the purpose of maintaining the credit, which has been prematurely given them, or, on the other hand, of disproving accusations unjustly levelled against them. It is wrong to put an officer in such a position. You should not lead his men to expect more from him than his former professional reputation justifies, and than is expected from every British officer. Officers in such high positions ought to be allowed to act on the responsibility attached to their professional reputation, and to look forward to those rewards, which gallant men serving their country had a right to expect; and certainly they ought not to be held up to the contempt of the men entrusted to their command, for by such a course their legitimate authority was improperly weakened. I trust, my Lords, that General Ashburnham will treat these reports which have been made upon him with, I had almost said, the contempt which they deserve. I trust that he will show himself to be too high-minded a British soldier to be troubled on account of such reports. I believe, from the last accounts which I have received from him, that he will reach China with his health restored, and that he will execute with credit the trust which has been committed to him.

EARL GREY: My Lords, I cannot help expressing my entire concurrence in what has been said by my noble Friend who has just sat down as to the extreme impropriety of junior officers discussing in the public prints the merits of those placed in command over them. I believe that if this system is to continue — if subordinate officers are to be allowed, in the columns of a newspaper, to discuss the merits of those under whom they have served, and anonymously to bring charges against them, there will be an end of all real discipline in the army, and the results will be of the most pernicious description. Party divisions of a most pernicious character will be introduced into the service, and you cannot expect the service to be conducted as it ought to be. I am certain that there is not one of your Lordships who does not share in the feelings upon this subject expressed by my noble Friend who has just addressed you, and that we all consider it to be the duty of Her Majesty's Government by the strongest means in their power (and especially by avoiding the giving of employment to any officer who has been guilty of conduct of this description) to put an end to the gross impropriety of junior officers making comments in public upon their superiors. I agree with those who have preceded me in this short discussion that it is eminently satisfactory that there is nothing in the Address to which any opposition can be offered by any of your Lordships. I am always glad when an Address in answer to Her Majesty's Speech can be agreed to without a division. And that being the case on this occasion, I certainly do not intend to anticipate the discussions which will probably take place hereafter when we are more fully in possession of the information required with regard to some of the topics referred to in the Speech by which the Session has been opened. But I would venture to take this opportunity of pointing out to your Lordships and to Her Majesty's Government that there are some topics adverted to in that Speech which will require very speedily to be brought under your Lordships' notice, and upon which, therefore, it is desirable that we should have information with the least possible delay. Among those topics, one of the first that we should discuss is that with regard to the Persian war. I must remind your Lordships that that war has been begun and concluded without any formal communication to Parliament of the grounds upon which hostilities were commenced, or the means taken by Her Majesty's Government to avert the necessity of having recourse to war. Upon these points I think it is absolutely necessary that we should be fully informed. In the last Session of Parliament Her Majesty's Government declined to produce any papers relating to these affairs; in the first place, on the ground that negotiations were proceeding at Paris; and, in the second, when these negotiations had been concluded, because any discussion of the subject might have a dangerous effect upon the prospect of obtaining the necessary ratification of the Shah of Persia to the peace which was concluded at Paris. For my own part, I think that Parliament was somewhat too easily induced to abstain on those grounds from pressing for an earlier production of information. But admitting that it was right on those two grounds to refrain at that time from pressing for information, there is now no reason whatever for any longer deferring to produce the papers. I know that, according to the usual practice, a treaty cannot be laid on the table until it is ratified; but the papers to which I allude, containing the correspondence which preceded the breaking out of the war, may be produced without the treaty; and there ought, therefore, to be no objection to lay them immediately on your Lordships' table. The negotiations have ended, the decision has gone to Persia, and whether it be ratified or not, no discussion by the House can have the slightest effect on that decision. I trust, therefore, that these papers will be produced without delay. I think, my Lords, that we are also entitled to some further information with regard to the unhappy war in China. I think we ought to know more distinctly than we now do, what are the causes of the war on which we are entering—what are the demands which are to be made on the Chinese authorities, and which are to be supported, if necessary, by the employment of a very large force. Upon that subject we have at present nothing but the most vague statement that can be conceived. Nothing whatever has been communicated to us as to the real objects for which this very considerable armament is to be sent to China. No attempt has been made to explain to us the views of Her Majesty's Government on that subject. We have had vague declarations that there are to be increased facilities for trade, and that our relations with China are to be placed on a more satisfactory footing; but in what respect our relations are to be made more satisfactory and in what manner we are to obtain additional facilities for trade are by no means explained. Upon these points I think some further information is required. I think so, the more especially in consequence of the rather alarming expressions which have been used in various quarters, and in this House this evening, with reference to China. The noble Earl who very ably seconded the Address expressed an opinion, in conformity with that which we have heard from various quarters, to the effect that the great empire of China must be compelled to observe her treaties with us, and to give us greater facilities for trade. Now, my Lords, I am not aware that we have not been in the full enjoyment of all the facilities for trade to which we were entitled by our treaty with China. In fact, I believe that much more than we had a right to claim under the treaty has been tacitly ceded to us. We have been allowed to carry on our trade with fewer restrictions than those mentioned in the treaty, and on which the Chinese had a right to insist. I see, also, that since the making of that treaty our trade has been carried on without any interruption or difficulty whatever, and has increased with almost marvellous rapidity, to the great advantage, as I believe, both of China and of this country. Now, I am not aware that if we enjoy all the facilities for trade which China promised by treaty to afford to us, we are entitled, because we have had a quarrel which I will say nothing about—declining for the present to say who is in the right and who is in the wrong—I am not aware that on that ground we are entitled to say to the Chinese that they must give us still greater facilities. I have always been under the impression that matters of trade were matters entirely to be determined by the mutual interests of the parties trading—that nations were at liberty to grant or to withhold facilities for trade with their neighbours, or with other nations, entirely as it seemed best to them according to their own interests. I never heard that it was considered a cause of quarrel, for instance, with our powerful neighbours the French, that they imposed at one time a tariff so restrictive that the trade which might have been carried on to the immense benefit of ourselves and France was reduced to insignificance by their restrictions: I never heard that it was considered wise to quarrel with France on that ground. And so with regard to Russia and various European countries. I am not aware that any quarrel has arisen with those other nations by whose tariffs trade has been restricted, as it appears to me, in a very impolitic manner. I believe that the Chinese set an example in respect to the facilities they give to trade which might be followed with advantage by more civilized nations. They impose few onerous duties on the commodities of other countries; and fewer impediments are thrown by them in the way of commerce than by most European nations; fewer, indeed, than by ourselves—I take leave to say—up till a comparatively recent period. I say, then, that we have a right to expect more definite information than we have yet received as to the object of the hostilities now conducted against China. And let me add that I concur in the sentiment expressed by the noble Earl opposite (the Earl of Malmesbury) with respect to the manner in which former discussions in Parliament on this subject have been commented upon by persons in high office. Having on a previous occasion voted with the noble Earl on the question relating to China, I feel that we have great reason to complain of the statement made, that that vote was to be accounted for by the fact that men were to be found who sought to make "the humiliation of their country the stepping-stone to power." My Lords, however such an aspersion may apply to others, I think I can at all events say it has no application to myself, since that could not by possibility be my object. But I do not speak only for myself. I believe that this House has a right to complain of the lowering of the whole tone of our public discussions when such mean, unworthy motives, are ascribed to the conduct of honourable men. I agree with the noble Earl that those who are really lowered by these imputations are those who make them; because it may be inferred that those who descend to bring such degrading accusations against their adversaries judge of their adversaries from what they find in their own minds; and that they are wholly unable to conceive that on a great question of peace and war—a question on which Members of the Legislature believe that as Christians they are bound to express their reprobation of unprovoked and cruel hostilities carried on against a nation totally incapable of resisting our superior power—their opponents can give a vote without being actuated by the base and pitiful motives they assign to them. That, my Lords, is the view I take on this subject; and it seems to me that a heavy responsibility is incurred by those who, not content with thus vilifying those who voted against them on a question of this kind, also do all that in them lies to stir up angry and vindictive passions in this country against the Chinese. My Lords, I have seen, with sentiments I will not trust myself to describe, language used with regard to the Chinese that any man of proper feeling could not read without—to adopt the mildest phrase—extreme pain and regret. We have had it represented to us that the atrocities committed by the Chinese were the reason which induced us to commence hostilities; instead of which the fact is precisely the other way—those atrocities—which I do not pretend to palliate—were the consequence of the ruin and bloodshed inflicted by us upon the Chinese. My Lords, we have seen transactions for which redress was fully obtained ten years ago raked up again and put forward as grounds for condemning the Chinese authorities at this moment. We have seen an anonymous proclamation, which the Chinese Government had no means of controlling, represented as an act for which that Government was directly responsible. I am not one of those who defend or excuse the atrocities perpetrated by the Chinese—I view them with as much horror as any one among your Lordships. If it be true that, in connection with this war, the Chinese authorities instigated an attempt at the wholesale destruction by poison of the European population of Hong Kong, and that they also sought to murder Europeans in other places who took no part whatever in the hostilities, such designs cannot be too strongly condemned. But I cannot help saying that the more these outrages are to be reprobated—the more painful it may be to see the accounts of such cruel and wicked acts, the greater, in my opinion, is the responsibility of those who began, for no adequate object, the fearful contest of which these things are the natural result. The responsibility rests not so much with the Chinese as with those who commenced this conflict. The same is unfortunately true of all war. When the sword is once drawn, and men's angry passions are once roused, great cruelties, great atrocities, are enacted. But is it becoming of civilized men—still more, is it becoming of Christians—because the Chinese, under strong provocation, have been betrayed into acts of this kind, to hold them up as a nation for whom indiscriminate slaughter is the proper treatment? Other nations, commonly regarded as civilized, when they have found themselves attacked, have been guilty of crimes hardly less monstrous than those of the Chinese. We all know where warfare is carried on by an undisciplined population against an army which they have no means of resisting great enormities are sometimes perpetrated. For example, when the French invaded Spain, we are all aware that the Spanish insurgents frequently committed great cruelties, torturing, mutilating, and killing under the most horrible circumstances the French soldiers who fell into their hands. We condemned those proceedings—the people of England condemned them very strongly; but we always maintained that, although some of the Spanish people had permitted themselves to be led into such excesses, that was no reason why the Spanish nation should be held up to general reprobation. And in the case of barbarous nations still more allowance is to be made. They know nothing of those laws of war which have been established only within the last two centuries even among the

civilized and Christian countries of Europe. Their notion of war is to exterminate their enemies by any means, fair or foul, that can be employed. They do not acknowledge the humane rules to which in modern times Western nations have happily thought fit to subject those who wage war in their behalf. We must therefore remember that it is not enough to say that the Chinese have been guilty of very great cruelty to justify the notion that from mere vengeance we are to be guilty of equal cruelty towards them. That is not the way in which these proceedings are to be stopped; it is to be done by forbearance, coupled with a strong display of force. I will not now further detain your Lordships. My principal motive for rising was to express my opinion that it is absolutely necessary we should be furnished at an early period with a clearer explanation than any yet afforded to us of the objects for which this war against China is to be undertaken.

THE EARL OF ALBEMARLE: There is an omission in the Royal Speech which I had hoped that some one of Her Majesty's Ministers would have supplied. Not a word was said in it about Parliamentary reform—a subject on which I agree with the noble and gallant Marquess that it is very necessary we should receive some explanation. Two Members of the Government have spoken that night, but neither of them has satisfied me on that point. Yet I understood that in another place the expectation has been held out that a good measure of Parliamentary reform, and one that will satisfy those of your Lordships who are most anxious for it, will be introduced. This is a question which I am aware ought in that august assembly to be mentioned with "bated breath and whispering humbleness;" but I trust that the measure to be brought forward will be such as the majority of this House will with pleasure sanction. It is now about a quarter of a century since we have had any organic change—any change, I mean, relating to the constitution of the Lower House of Parliament, and very extensive social improvements have taken place in the interval. For example, the completion of our great network of railways have increased the means of intercommunication throughout the country to a marvellous degree; while the gold discoveries in California and Australia have produced a prodigious effect upon the wellbeing of society in every part of the world, imparting a great stimulus to the industry of almost every civilized nation. In 1830 our population was 13,781,000; in 1856 it was 19,000,000. The prosperity of the country was still more astonishing. In 1830 our exports amounted to £38,271,000; in 1856 they were £115,895,000. While the country has increased in population and wealth it has advanced also in the mechanic arts and in intelligence, and therefore was the more fitted for an extensive measure of reform, and I shall be all the better pleased with it if there is a protection given to the voter. I think, however, that the question of reform may be left to the noble Viscount at the head of the Government and that body of the Legislature which has been called under his special auspices. But there is a class nearly without representatives in Parliament—our unhappy Indian fellow-subjects; and I hope that some of the 173 new Members will recruit the small body of Indian Reformers. I will not now dwell upon the anarchy, the insecurity to life and property that prevail in that country, but I beg your Lordships to consider seriously the financial condition of India. For four consecutive years there has been an average annual deficiency of £2,000,000, and while the Government are thus low in funds, they are only able to raise the means they require by paying two per cent. more than they did in the palmy days of Indian prosperity. I do not anticipate that the terms of the treaty entered into with Persia when made known to the House will be satisfactory to many of your Lordships, who contemplate with aversion the establishment of relations with barbarous countries. Some people entertain a vague undefined idea of danger to our Indian empire from Russian aggression, but it can be shown how utterly groundless all such apprehensions are. It is asked why might not a great European power do that which Alexander the Great did three centuries before the Christian era? But those who put the question forget that Alexander had no artillery to carry with him, and that he had no commissariat, but drew his supplies from the wealthy population of the country. Moreover, Alexander was eight years in reaching the Indus, and when he got to the Hyphasis he had not to encounter a British force, but a body of Hindoos, and after all got no further than the bank of the river. In conclusion, I concur in supporting the Address, which has received the unanimous sanction of the House.

Motion *agreed to, Nemine Dissentiente;* and a Committee was appointed to prepare the Address. The Committee withdrew; and, after some time, Report was made of an Address drawn by the Committee, which, being read, was *agreed to*, and ordered to be presented to Her Majesty by the Lords with White Staves.

[For the Address see p. 22.]

CHAIRMAN OF COMMITTEES.

The Lord REDESDALE appointed, *Nemine Dissentiente*, to take the Chair in all Committees of the House for this Session.

THE SCOTCH REPRESENTATIVE PEERS.

The Lord CHANCELLOR acquainted the House, That the Clerk of the Parliaments had received, by post, from the Deputy Keeper of the Records of Scotland (pursuant to Act)

Minutes of Election of the Sixteen Peers of Scotland, 14th April, 1857; and also,

Return to the Clerk of the Parliament, by the Clerks of Session, concerning Titles of Peers called at the said Election.

The same were Ordered to lie on the Table.

The House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Four o'clock.

HOUSE OF COMMONS,

Thursday, May 7, 1857.

The House met,—at One o'clock.

Several other Members took the oaths; and one Member, being one of the people called Quakers, made the affirmation required by law.

Message to attend the Lords' Commissioners.

The House went; and being returned,

Outlawries Bill—"for the more effectual preventing Clandestine Outlawries," read 1°; to be read 2°.

GOVERNMENT BUSINESS.

MR. HAYTER: It may be for the convenience of the House that I should now state some of the measures which it is proposed on the part of the Government at an early period to submit to the consideration of the House. I have to give notice that to-morrow the Secretary of State for the Home Department will move for leave to bring in a Bill to amend the Acts of the 16th and 17th of the present reign, with a view to substitute in certain cases other punishments in lieu of transportation. On the same night the Secretary of State for the Colonies will move for a Select Committee to consider the state of those British possessions in North America which are under the administration of the Hudson's Bay Company, and those over which they claim the licence to trade. On Monday, the 11th of May, the Chancellor of the Exchequer will move for a Select Committee to inquire into the operation of the Banking Act of 1844 for England, and also into the operation of the Banking Acts for Ireland and Scotland passed in 1845. On the same day the Chancellor of the Exchequer will move certain Resolutions on Savings Banks, with a view to the introduction of a Bill on that subject. On the same day the Secretary for the Home Department will ask leave to bring in a Bill to make further provision for the exercise of the powers of the General Board of Health. On Thursday, May 14, the First Minister will move for leave to introduce a Bill to amend the Oaths taken by Members of the two Houses of Parliament. On Friday, the 15th, the Attorney General will move for leave to bring in a Bill to make fraudulent breaches of trust criminal. I have also to give notice, that on Thursday, May 14, the Secretary for the Treasury will move for leave to bring in a Bill for the incorporation of Insurance Companies and Mutual Societies.

THE LORDS COMMISSIONERS' SPEECH.

Mr. SPEAKER *reported,* That the House had been at the House of Peers at the desire of the Lords Commissioners appointed under the Great Seal for opening and holding this present Parliament; and that the Lord High Chancellor, being one of the said Commissioners, made a Speech to both Houses of Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which he read to the House.

ADDRESS IN ANSWER TO THE SPEECH.

Mr. DODSON: Sir, in rising to propose that an humble Address be presented to Her Majesty, in answer to the gracious Speech we have just heard read, I cannot but regret that this honourable task has not fallen into the hands of some older and more experienced Member of the House —some Member more competent to speak with weight on the various and important topics adverted to in that Speech. But I derive encouragement from the consideration that the topics adverted to in the Speech are of such a nature that no shortcomings of mine will be allowed to impair or interfere with the unanimity with which, I venture to hope, the Motion I am about to submit to the House will be received. As far as I am personally concerned, I venture to hope that that indulgence which the House in its kindness never fails to extend to those who, like myself, address it for the first time will not be withheld from me. Amongst the various subjects mentioned in the Speech from the throne which afford grounds for congratulation is one which, I regret to say, forms a prominent exception, and that is the position of affairs at Canton. On such an occasion as that on which I have the honour to address the House I am anxious to avoid introducing any debated or debateable matter. On the original merits of the dispute with China I shall therefore offer no observation. But I believe that while both sides of the House concur in regretting the hostilities in which we are involved, both sides also approve of the propriety of the course adopted by Her Majesty's Government in sending out, on the one hand, reinforcements of troops, and vessels of a class suited for warfare in the Chinese waters, and on the other hand, in testifying to their readiness to conclude an honourable peace and their anxiety to act in the spirit of justice by sending a plenipotentiary so eminent and so successful as a negotiator as Lord Elgin. Indeed, I trust that the policy of this country towards other nations will always be found to be in accordance with the dictates of justice, and, in the case of weaker powers, not only of justice but of mercy. But I must observe that when we have to deal with the overweening pride of a semi-civilized nation, reason and experience alike show that forbearance and concession are too often considered to be a mere sign of weakness. I trust that the people and the Government of China will learn before long to estimate properly the real strength of this country, and to appreciate the motives that actuate her conduct, and that the result of existing complications will be to place our relations with that country on an intelligible and enduring basis. We have also been engaged in hostilities with another Eastern Power — Persia, which seems to have supposed that it could brave us with impunity. This House has learned with satisfaction that a treaty of peace with that Power has been signed at Paris, which, I hope, is an honourable one to that country, and will not fail to secure to England those objects for which we engaged in war. Meanwhile the results of our operations in the Persian Gulf and the advance of our troops into the interior of the country, will serve to show that there is no coast so inhospitable, no climate so formidable, and no country so inaccessible, as to be secure against the energy and valour of the British soldier; and I trust that our successes in Persia will have the effect of spreading the prestige of the British name amongst the most remote tribes of Central Asia. I venture further to hope that these successes will prevent that country from entering into relations with any other Power unfavourable to England, or from endeavouring to retain possession of a place of such growing importance as the city of Herat. I allude to Herat as a place of growing importance for increased facilities of communication, and the extension of commerce by means of that system of land carriage which has of late years enabled that mode of conveyance, in some instances, even to supersede carriage by water, are tending to restore the caravan routes of Asia to somewhat of their ancient importance. Herat is, in short, not only a centre where great commercial and great military highways meet and intersect one another, but an inland Gibraltar which commands and controls them. With respect to countries nearer home, Her Majesty gives us the gratifying assurance that peace and harmony prevail, and that friendly relations subsist between her Government and those of other European powers. The main stipulations of the Treaty of Paris, we are told, have been already fulfilled; and I may add that their fulfilment reflects great credit on the vigour and discretion which have been displayed by Her Majesty's Government. The next subject is that of the Sound Dues, which has also, I am happy to say, been settled; whilst the storm-cloud which was gathering over Neufchatel has been dissipated. I regret, however, to learn that the negotiations respecting the state of affairs in central America have not yet been brought to a close; but I hope I am not too sanguine in anticipating, both for the sake of the United States and of this country, that there exists no reason to apprehend a contest between two nations so intimately connected as are England and the United States of America. Such a war would, indeed, be so detrimental to the interests of the two countries, and so pernicious to their prosperity, that I am scarcely using the language of exaggeration when I say that the greatest calamity which could befal either State next to defeat in such a war would be to be victorious in it. Her Majesty has commanded the Estimates to be laid before us, and I shall not trespass upon the time of the House by dwelling in anticipation on the measures which the Chancellor of the Exchequer will bring forward; but I trust he may be able to realize that combination of economy with efficiency which we all so much desire, and to maintain a high state of the public service in conjunction with that immunity from oppressive taxation which has been shadowed forth in the Royal Speech. I trust that the financial measures of the Government may be in accordance with the principles of that policy which, by giving freedom to industry and to capital, has so much contributed to promote that well-being and contentment of the people on which Her Majesty has congratulated us—that well-being of the community at large to which the condition of agriculture, commerce, manufactures, and shipping bears such striking and irrefutable testimony. I am convinced this House will not shrink from that sacrifice of time and labour which the onerous task of amending the law, so prominently recommended to us in the Speech from the Throne, will require. If this House should in the Session, which has now commenced, deal successfully with those long-vexed questions, on that account alone it may lay claim to have conferred most important and most beneficial measures on all classes of the community. I trust that the House of Commons over which you, Sir, have been called on to preside will prove itself by the breadth and comprehensive character of its measures of legislation, an honourable and worthy successor of the Parliaments which have preceded it. I trust that it will, by continuing the work of reform in season, and not by making premature changes, nor yet delaying renovation till it may be necessary to have entire reconstruction—I trust that, by pursuing that true English policy, we may contribute in our time to maintain England in that proud position which she occupies amongst nations. With regard to those less ambitious and more pressing measures of practical improvement and domestic reform—if it be not too presumptuous in one so inexperienced as myself to venture the observation—I hazard myself to say that this Parliament possesses peculiar advantages for enabling it to carry out such practical and useful measures; for in the returns made to the House by the different constituencies of the kingdom, I see no antagonistic array of interest against interest, of class against class—no symptom of a conflict between town and country, or between the different portions of the empire—no differences in fact but those which result from conviction and reason, and which therefore may, by the same motives, be converted into harmony and unanimity. And indeed, if I may venture to go a step further without being thought guilty of presumption in alluding to so unimportant an individual as myself, I would say it is a happy augury of the agreement which on questions of social improvement may be expected to prevail among the Members of the House to find that the Address to the Throne is moved and seconded by the representatives of two such very dissimilar constituencies as the hon. Gentleman who sits on my right hand (Mr. Buchanan) and myself—that it is moved by one who has the honour of representing a county situated in a purely agricultural quarter of England, embracing within it several towns, one of them the largest and most rapidly growing town in the south of England, towns intimately connected with agriculture, or the resorts of wealth and pleasure; and that it is seconded by one who represents one of the greatest commercial ports of the empire, and one of the busiest hives of mining and manufacturing industry. I beg leave to conclude by expressing my sincere and heartfelt thanks to the House for the kindness, forbearance, and indulgence with which they have listened, and by moving that a humble Address be presented to Her Majesty in answer to the gracious Speech which She has ordered to be addressed to both Houses. The hon. Gentleman concluded by *moving—*

"That an humble Address be presented to Her Majesty, to convey to Her Majesty the Thanks of this House for the gracious Speech which Her Majesty has commanded to be made to both Houses of Parliament:

"To thank Her Majesty for informing us that She has availed Herself of the earliest opportunity of having recourse to our advice and assistance after the Dissolution of the last Parliament; and we unite with Her Majesty in trusting that there will be found sufficient time during the present Session to enable us satisfactorily to deal with various important matters, some of which had occupied the attention of Parliament in the beginning of this year:

"To thank Her Majesty for informing us that the general aspect of affairs in Europe affords a well-grounded confidence in the continuance of Peace:

"To thank Her Majesty for informing us that all the main stipulations of the Treaty of Paris have been carried into execution, and to assure Her Majesty that we participate in the hope that what remains to be done in regard to those matters will be speedily accomplished:

"To thank Her Majesty for informing us that the Negotiations upon the subject of the differences which had arisen between the King of Prussia and the Swiss Confederation, in regard to the affairs of Neuchâtel, are drawing to a close, and that Her Majesty trusts that those Negotiations will be terminated by an arrangement honourable and satisfactory to all parties:

"To thank Her Majesty for informing us that the Negotiations in which She has been engaged with the Government of the United States, and with the Government of Honduras, in regard to the affairs of Central America, have not yet been brought to a close:

"To thank Her Majesty for informing us that a Treaty of Peace between Her Majesty and the Shah of Persia was signed at Paris, on the 4th March, by Her Majesty's Ambassador at Paris and by the Ambassador of the Shah; and to thank Her Majesty for Her gracious intimation that this Treaty shall be laid before us as soon as the ratifications thereof shall have been duly exchanged:

"To assure Her Majesty that we share Her regret that, at the date of the latest advices from China, the differences which had arisen between the High Commissioner at Canton and Her Majesty's Civil and

Naval Officers in China, still remained unadjusted, and to convey to Her Majesty our thanks for informing us that She has sent to China a Plenipotentiary fully instructed to deal with all matters of difference, who will be supported by an adequate Naval and Military force in the event of such assistance becoming necessary:

"To thank Her Majesty for informing us that, in conjunction with several other European Powers, She has concluded a Treaty with the King of Denmark for the redemption of the Sound Dues; and that this Treaty, together with a separate Convention between Her Majesty and the King of Denmark, completing the arrangement, will be laid before us, and also that Her Majesty will cause the measures necessary for fulfilling the engagements thereby contracted to be submitted for our consideration:

"Humbly to thank Her Majesty for having directed the Estimates for the present year to be laid before us, and for the assurance that they have been prepared with a careful attention to economy, and with a due regard to the efficiency of the departments of the Public Service to which they severally relate:

"To assure Her Majesty that we will take into our earnest consideration Measures which are to be proposed to us for the consolidation and improvement of the Law, and to thank Her Majesty for apprizing us that Bills will be submitted to us for improving the Laws relating to the Testamentary and Matrimonial Jurisdiction now exercised by the Ecclesiastical Courts, and also for checking fraudulent breaches of trust:

"To assure Her Majesty, that we concur in the expression of Her heartfelt gratification at witnessing the continued well-being and contentment of Her People, and the progressive development of productive industry throughout Her Dominions:

"Humbly to thank Her Majesty for assuring us that She confidently commits to our wisdom and care the great interests of Her Empire, and to declare that, in common with Her Majesty, we fervently pray that the blessing of Almighty God may be vouchsafed to our deliberations, and may lead us to conclusions conducive to the objects of Her Majesty's constant solicitude, the welfare and happiness of Her loyal and faithful Peoople."

Mr. BUCHANAN said, that he felt much pleasure in seconding the Address. He concurred in all the statements which had been so well expressed by the hon. Mover; and it would be superfluous upon his part to enter into the consideration of topics which had already been brought so ably before the House, were it not that it seemed desirable that those Members who represented large constituencies, and who had recently enjoyed the opportunity of observing what were the sentiments and opinions that prevailed among them, should report to the House the results of their observation. The noble Lord at the head of the Government had submitted to the country the question of "Content" or "Not content" with his Administration, and more particularly with his foreign policy. That was the issue which the constituencies had been asked to decide, and their answer had been a verdict, if not unanimous, at least pronounced by a large majority of votes, in favour of the Government of the noble Lord. Another important conclusion had at the same time been established. The recent elections had shown that neither eloquence, nor talents, nor long and valuable public services, could maintain the position and influence of statesmen who placed themselves in opposition to the general convictions of the country. It was not because the public had ceased to admire the eminent talents of the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone)—it was not because they had forgotten the great services of the hon. Gentleman who had lately represented the West Riding of Yorkshire (Mr. Cobden), that the majority by which those gentlemen had been supported in the last Parliament had been reversed. All their talents and all their eloquence could not carry the country along with them. Unsophisticated public opinion could neither comprehend their arguments nor appreciate their policy. It was because the noble Lord at the head of the Administration had announced a policy by which the honour of England was to be maintained, and by which the representatives of the nation in foreign lands were to receive the support of the Government by which they were employed—it was on that account that the constituencies had given the noble Lord such an enthusiastic support. Let them look at the question which had immediately led to the dissolution of the late Parliament. That question had been regarded out of doors as one involving large and important interests; while a general impression had prevailed that it had been discussed in Parliament in a narrow and technical spirit. The seizure of the *Arrow*, the legality of the licence under which that vessel had sailed, and the various details of the transactions which preceded the outbreak of hostilities at Canton, were all, no doubt, very important, and had very properly been deemed fit subjects for careful consideration and analysis; but more important still were the broad bearings of our relations with the empire of China. It was not because the people of England were anxious for a Chinese war, or for any war, that they had come so enthusiastically to the rescue of our authorities in that remote quarter of the globe; but it was because they believed it to be necessary that our rights and interests in that country should be firmly maintained. Our connection with China was altogether peculiar. For 200 years Great Britain had had no representative in China except a trading Company. We had with that Empire no political relations—in fact, scarcely any recognized relations whatever. The East India Company had not perhaps been to blame for the pacific—the too pacific—policy they had adopted; they had naturally pursued the course which they believed to be best calculated to promote their own interests. But that course, it would be admitted, had been detrimental to the interests of this country. It had for a long series of years been the habit of the East India Company, while enjoying the monopoly of a lucrative trade, to submit to such treatment as the Chinese officials might think proper to compel them to submit to. It must have been by express orders from Leadenhall Street that the supercargoes of the factory at Canton had so completely abjured the spirit of Englishmen as to submit to the treatment they had experienced. That state of things had continued for nearly two hundred years; and when an occasion arose in which it became necessary for the British Government to put forth its power, and to establish with the Government of China the relations which usually subsist between the representatives of civilized States, it was found that the matter was one of extreme difficulty and delicacy. It was after a series of the most vexatious and harassing negotiations or rather quarrels and embroilments which terminated in the death of Lord Napier, that we obtained the ratification of the Treaty of Nankin. By that Treaty we obtained free access for Europeans to the northern ports of China, and that access, it should be confessed, had been liberally and courteously conceded. But in the south of China, at Canton, a less satisfactory state of things arose. Under the provisions of the Treaty that city also ought to have been thrown open to Europeans; but that stipulation had been from the very first resisted, and had never since been fulfilled. So far from the hostile conduct of the Cantonese being softened, feelings of increased hostility arose, subsequent to the signing of the Treaty. No language was deemed too offensive for designating the "outside barbarians," and no acts were regarded as too savage for the gratification of their implacable animosity. Under these circumstances was it to be supposed that the representatives of Great Britain in that country could tamely stand by and witness an outrage offered to the British flag? If that outrage had been allowed to pass unnoticed it was clear that the arrogance of that peculiar people would have become more inflated than ever, and negotiation would have been all but impossible. But we came in contact with the Chinese not only in China, but also in all the neighbouring seas. That industrious and commercial race had spread themselves over the Indian Archipelago, and they were to be met with in Borneo, in Sumatra, in Java, and in Siam. They had also emigrated in great numbers to our own settlements in those seas, and had largely increased the population of Australia and California. The condition of the British in these settlements had, in consequence, become somewhat critical. At Singapore there were 70,000 Chinese and only a few hundreds Europeans. At Penang and Malacca the relative numbers of the two races were still more disproportionate. Now it should be remembered that those Chinese immigrants were in constant correspondence with their countrymen; that they took part in their political designs; that the secret societies of China had ramifications in the colonies in which their countrymen had settled. The dangers which might, under such circumstances, arise to a small handful of Europeans scattered over extensive regions were very serious. It was well known that within the last few years outbreaks of the Chinese settlers had taken place at Penang and Singapore; and the recent sanguinary insurrection at Sarawak showed the boldness and the combination of the Chinese race after they had left their own homes. Could any one with these facts before him say that it would be wise to pursue a vacillating and an uncertain policy amidst so many elements of peril? Let us never forget that the empire of Britain throughout Asia derives its stability from "opinion." The dominant minority are a mere handful among surrounding millions. Once break down the *prestige* which our arts and arms have obtained, and from the Gulf of Persia to the Yellow Sea our Empire will totter to its base. Under present circumstances, he was glad to find that the Government had sent as their representative to China, Lord Elgin—a nobleman of tried capacity and experience, and well qualified to deal with the difficulties by which he would find himself surrounded. The difficulties with which that nobleman would have to contend with were not confined to British relations with the Chinese, but were aggravated by the encroaching and insidious policy of a Power which had recently shown itself in the north-east of China, and was advancing in a manner calculated to fill us with just alarm. It was well known that Russia within the last ten years had acquired a very large territory on the Amoor River—a territory which might at some future period, be made available for purposes inimical to the commerce of this country. This was a subject well worthy of consideration. He hoped he would be allowed to take that opportunity of saying that there was another question of foreign policy which was most interesting to the people of this kingdom—he alluded to the present state of Southern Italy. He hoped it would not be considered that he was travelling too far beyond the routine prescribed for the Seconder of an Address in reply to a Royal Speech if he called the attention of Her Majesty's Government, and of the House, to those feelings which prevailed so extensively throughout the country, of abhorrence and detestation of the disgraceful scenes which were taking place in certain portions of the Italian Peninsula. He felt no apprehension of want of firmness on the part of the Secretary of State for Foreign Affairs in discountenancing such proceedings; for the noble Earl had too frequently exhibited his truly British spirit to leave any room for doubting that he had upon all occasions protested in the most decided manner against those abuses of power which were at present to be witnessed in the south of Italy and in the Roman States. But—and he was sure he should carry with him the sense of the House—he wished on that occasion, in the name of peace and humanity, to record his protest against the misgovernment of Naples. They were at the commencement of a new Parliament; and they might regard that occasion as an epoch in constitutional history, as a landmark by which to measure social and political progress of the country. There were many persons who looked to the assembling of a new House of Commons as the auspicious era for inaugurating many important reforms. He trusted that their expectations, in so far as they were just and reasonable, would not be disappointed. There was one subject at least which must soon occupy the attention of the Government, and that was the extension of the franchise. He was not one of those who supposed that an increase in the number of electors would necessarily secure the return of a better House of Commons. If the question were to be argued on the mere ground of expediency, he did not know that a case could be made out in favour of electoral reform. But the question was not one of expediency; it was a question involving the rights of the poor, which were as valid as the rights of the rich, to political privileges within the limits of the constitution. On that ground it ought to be discussed; and he might add, that if those rights were moderately and at the same time firmly expressed, it would be necessary for the Government, not only to entertain, but to endeavour to dispose of the question. If, however, a lowering of the franchise should be found necessary, it should most assuredly be accompanied with a measure for the establishment of a system of general education. It would be in the highest degree objectionable that the franchise should be extended to uneducated voters, and upon that narrow ground, if there were no other, he would advocate a great educational measure; and he thought that, considering the many able men on both sides of the House who had devoted their attention to that subject, such a measure might before long be adopted. The Royal Speech expressed the congratulations of Her Majesty on the prosperity of our commercial condition. He fully participated in the feeling which dictated those congratulations; but he might be allowed to say that there were at present to be perceived in this country symptoms well calculated to inspire uneasiness, if not anxiety. One of those symptoms was the excessive dearness of money. It was impossible that the industrious portions of the community could prosper under a state of things which extinguished profits and ate up the vitals of trade. It was said, and he perfectly agreed in the opinion—that the present state of things was not anomalous, and that it might be deduced from obvious causes. But, however that might be, he believed that if the evil should continue to operate as severely as it did at present it must be productive of ruinous consequences. Under these circumstances, he was very happy to find that the Banking Committee was about to be re-appointed, and he trusted that that Committee would not assemble with any foregone conclusion. He hoped that they would examine all parties; that they would be liberal in admitting evidence, and that they would allow no monopolist influence to prevent a searching inquiry, which alone could produce wise and impartial legislation. Those were some of the questions which must occupy the attention of the new Parliament, and it was only becoming in the House that they should assure Her Majesty, in reply to Her gracious Speech, that they were prepared to devote their time and best attention, and to exhibit all their zeal and energy, in legislating for the welfare of the country. He begged leave to second the Address.

The Motion for the Address was then read, and Question proposed by Mr. SPEAKER.

GENERAL THOMPSON said, he could not appear without shame before his friends and constituents if he did not enter a protest against what they had heard that evening in reference to the Chinese question. He felt it his duty to state that those who coincided in opinion with the late Parliament, or at least with a majority of that body, did not intend to let that question pass without bringing it to the utmost extent of their ability before another inquest of the country. Their constituents, in great numbers, believed that that conflict had arisen entirely from the voluntary act of an official. They were grieved to see that the Government appeared disposed to set up the principle that anything that an official might do should be allowed to pass without remark. His constituents were working men, and they wanted to know whether war was to be an instrument at the disposal of every official abroad, for the purpose of drawing away their hard earnings, in order to make fortunes for officers of the Crown in foreign countries? For into that the question resolved itself. They said further, that they regarded the proceedings in China as opposed to the national honour and dignity. They believed, that by "civilization" was meant smuggling, and the doing of things piratical in themselves, and contrary to the law of nations. It would ill become him upon that occasion to take upon himself the office of advocating that great cause; and he only wished to state that there prevailed upon the subject a feeling throughout this country which would not be quieted without further examination.

LORD ROBERT GROSVENOR said, that as the question on which the late Parliament had pronounced its decision just before its dissolution was more in the nature of a judgment upon past transactions at Canton than the expression of an opinion as to our future policy, he had hoped that the Chinese quarrel would have been left in abeyance on the occasion of moving an Address in reply to Her Majesty's Speech to the new Parliament. In the few remarks he was about to address to the House he did not mean to touch in any way upon that topic. Although at the commencement of many previous Parliamentary Sessions our foreign relations had presented a more cheering aspect, he was gratified to find that there was no serious reason for apprehending a termination of the peace which now reigned in Europe. The Mover and the Seconder of the Address, and more especially the Mover, had addressed the House in speeches characterized by considerable ability; but he thought the hon. Gentleman who had seconded the Address had travelled a little out of the record. Both those hon. Members had, however, naturally confined their attention mainly to points referred to in the Speech of Her Majesty, to which they were only moving a reply. If that were not the first occasion on which a new Parliament had assembled, he should not have attempted to address any remarks that evening to the House, and he did not mean to disturb, by anything he should say, the unanimity with which he hoped the Address would be received. He rose principally for the purpose of stating that as they all came fresh from their constituents, after having talked over with them the affairs of the country, they ought, as he considered, to take the earliest opportunity of making known what was the policy which those constituents wished the House should carry into effect. He did not pretend to be the organ of any section in that House, or to speak for anybody except himself; but as he had returned from a longer interview with his constituents than any other Member, perhaps, in the House, inasmuch as he had addressed, during a period of nearly three weeks, public meetings in various parts of the metropolis, and of the county of Middlesex, he hoped it would not be altogether unbecoming upon his part to lay before the House a brief outline of the measures which his constituents were anxious to see passed into law. One of the subjects in which they felt the strongest interest was that of a reform of Parliament, or, to adopt the hustings' phrase, he should rather say an extension of the suffrage. He entirely agreed with the hon. Gentleman who had seconded the Address, that a case of expediency could hardly be made out as an argument for such a change. He believed that, as Mr. Cobden had once said, there was very little doubt that the House of Commons, as at present elected, substantially reflected the public opinion of the country. But that was not the whole of the case with which the House had to deal. The hon. Gentleman, the Seconder of the Address, had said that they would have to direct their attention to the propriety of extending the suffrage to the poorer classes. There was, however, a further point for their consideration. It was not altogether a question of giving the franchise to the poorer classes, as many persons who were not poor did not possess the suffrage, and that was one of the evils that the public desired to see remedied. The great Reform Bill of Lord Grey—or he should, perhaps, rather say of his noble Friend the Member for London (Lord J. Russell)—was certainly a very great step in advance; but he thought that an experience of its working during a period of nearly a quarter of a century showed that that measure contained defects and anomalies which were at present susceptible of a remedy. The forty shilling franchise was certainly very low, but under the existing system of land tenure and the working of society there were considerable numbers of persons who did not enjoy the franchise, although they were, perhaps, better qualified for properly exercising the right of voting than many persons on whom that right had been conferred. There was another important consideration involved in this question. They all disliked to have a perpetual succession of reform bills, and that unsettlement of the public mind so prejudicial to the good working of Government to which the introduction of a constant series of such measures would necessarily lead. He believed it would be a very good thing if the noble Lord at the head of the Government—(whom his constituents desired him to support, and whom both he and they desired to see long occupying the place he now filled)—at once announced that he was prepared to bring in a measure of a more elastic and self-acting character than the Reform Bill under which the House was at present elected. At the same time he did not think that the whole power in that case should be given to mere numbers. He did not know whether his hon. Friend the Member for Bristol (Mr. H. Berkeley) meant to bring forward in the course of that Session his usual Motion for the establishment of vote by ballot; that was a measure at once simple and compendious, and might be treated on its own merits; but he (Lord Robert Grosvenor) should deprecate any attempt to deal in a piece-meal fashion with the question of Reform, and he hoped that the Government would, at the commencement of the next Session, introduce a Bill for its settlement in a large and comprehensive spirit. For himself, he thought that man would be no true friend to reform who, during the present Session of Parliament, should seek to introduce a measure of that kind. Passing from this point, there was one subject, with regard to the practices—he would not exactly say the corrupt practices, but practices highly inexpedient at elections—to which he would shortly call the attention of the House. He had had the good fortune and the honour during the last Parliament to induce it to take two steps out of the four recommended by the Committees of 1834–35. One was the limitation of the county polling to one day, and the other the entire prohibition of treating at elections. He had shown himself, he hoped, not altogether an unsafe guide upon this subject, and it was his anxious desire to induce the House to take the two remaining steps—namely, to prohibit the conveyance of the voters to the place of polling by candidates, and to do away with the absurd anomaly of making the candidates pay the expenses of the hustings. He did not wish at the present moment to enter into any argument upon these topics, but desired merely to inform the House, while candidates were still smarting under the expenses of the election, that it was his intention at the earliest possible period to introduce a Bill upon that subject. There was another point upon which his constituents were most anxious. As the Address had been moved by one hon. Member representing a county, and seconded by another returned for a mercantile town, perhaps the House would like to hear the opinion of what might be termed an amphibious Member in this respect. He was such a one, being the representative of both. That subject was church rates. It was one upon which the constituency of the county which he had the honour of representing, and indeed the whole country, had shown itself extremely anxious; and without the slightest disparagement to the hon. Gentleman who now represented the Tower Hamlets, he (Lord R. Grosvenor) deeply regretted the absence of Sir William Clay, who had so long given his mind to this question, and who had so perseveringly and so ably brought it under the attention of the House. In his opinion, there was only one way of settling the question, and that was for Her Majesty's Government to bring forward a Bill upon it. Should they decline to do so, he was himself prepared to propose a measure to the House; but he hoped the noble Viscount at the head of the Government would think that on a matter so deeply affecting the interests of the Established Church the Bill should proceed from the Treasury Bench, and not be left in the hands of any private Member. He should not trespass further on the House with regard to the question, than to say it was absolutely necessary that something should be soon done. Another point to which it was necessary to call the attention of the House was, that position in which the House stood with respect to its membership. They were not a complete House at that moment. Some of their Members were amputated; they must do something for the purpose of restoring the lost Members. He trusted the noble Viscount would introduce a measure for restoring the paralyzed limb of the metropolis; and with respect to the disfranchised boroughs, it would be his (Lord R. Grosvenor's) duty to make a claim, and a very strong one, on the part of that large portion of the constituency he had the honour of representing, residing in Chelsea, Kensington, and Hammersmith, and who were not possessed of a vote for the county of Middlesex, to the vacant seats. The population of those districts was very large and important, and had a strong claim to representation in that House. He mentioned this subject, not only because it was one in which his constituents were peculiarly interested, but because it was at the same time one of Imperial concern. Another important subject—one, indeed, in which the metropolis was vitally interested—was the equalization of the poor rates within the metropolitan districts. That was a question which peculiarly affected the metropolitan districts, but though in a great measure local, it was deserving of serious consideration. He was quite aware that there were upon that question various opinions, but he thought it one of paramount importance. Having had occasion to make addresses upon these topics to his constituents, he could not sit still and refrain from expressing frankly and fairly in that House their desire. After thanking the House for their patient attention, he said it was not his intention to propose any Amendment to the Address. He quite rejoiced at the manner in which it was drawn up, which was such that he thought no Member would withhold his assent from it. This was the more desirable because it was an occasion upon which the House was brought into contact with their much-reverenced and much-loved Sovereign, and, therefore, the Address should, if possible, be so framed that they should all be able to agree to it.

MR. W. EWART regretted that no allusion was made in the Speech from the Throne to the question of a Minister of Justice. That subject was brought forward in the last Parliament by the right hon. Gentleman the Member for Dublin University (Mr. Napier), and, on his Motion, an Address was agreed to by the House. In the Speech from the Throne reference was made to many law reforms, but he could not see how those reforms were to be accomplished unless they were to have a source or fountain from which they might be derived. The foundation of all law reform was, in his opinion, the establishment of a Ministry of Justice. The question of Parliamentary Reform had been justly alluded to by the noble Lord behind him, who, coming fresh from his constituents, had conveyed to the House an echo of their opinions. He did not wish to press this question on the Government prematurely, but thought the best course for Her Majesty's Ministers to pursue would be, to obtain such returns, and lay them before the House, as would enable Parliament and the country to form an intelligent opinion upon any measure which might be proposed in a future Session. The returns he alluded to would be such as to contrast the effect of the extension of the suffrage on an educational basis with its extension on a property or other qualification. When those documents were laid before them, they would be able to found a new Reform Bill upon a safe and secure basis, and he hoped to hear from the Government that such a proposition was not alien to that line of policy which they had prescribed for themselves.

VISCOUNT PALMERSTON: Sir, there seems to be so little disposition upon the part of the House to go into any detailed argument upon the Address, or to enter upon a discussion of the various matters to which the Speech refers, that I shall not take upon myself to do that which other Members do not seem disposed to do, and which the House, therefore, will not expect from me. There are, however, one or two points which have been touched upon with respect to which I feel it necessary to say a few words on the part of Her Majesty's Government. I will allude first of all to the topic referred to by my hon. Friend behind me. There was an Address moved and agreed to last Session with regard to the establishment of a Department of Justice. That Address was moved by the hon. and learned Gentleman the Member for the University of Dublin. We stated at the time that that was a subject full of difficulty in regard to the mode in which the proposition should be carried into execution, and the hon. and learned Gentleman I am sure fully concurred in that view. I can only say on that point, therefore, that we have under consideration the best means of accomplishing the object which the hon. and learned Gentleman and the House had in view, and I trust that we shall be able to propose to the House some arrangement which will sufficiently carry out the purposes which that Address had in contemplation. I quite concur with my noble Friend who spoke just now (Lord R. Grosvenor), that, considering the shortness of the period during which Parliament can in this present Session sit—considering, also, the great importance of the many practical measures of improvement which are indicated in the Speech from the Throne, and which will be proposed to the House, it would be highly inexpedient that this House should enter into the discussion of so large and sweeping a question as a change in the representation of the people in Parliament; because such a discussion could not lead to any conclusive result in the present Session of Parliament, while it is obvious that discussions begun in one Session, and which are to be concluded by measures in the next, could only unsettle the minds of men, and lead to anticipations which would embarrass those who might in a future Session have to propose measures for the consideration of Parliament. But, Sir, on the other hand, Her Majesty's Government admit that it will be their duty, during the period which will intervene between the conclusion of the present Session and the beginning of the next, to take this subject into their fullest and most deliberate consideration. It would be very unsuitable for me, at a moment when the Government have not had the opportunity of giving to that matter the consideration which is due to it, to say anything in regard to the details of measures that might be proposed in a future Session, which would imply anticipatory conclusions, and which, by fixing the Government upon one point or another, might lead afterwards to disappointment if the result did not correspond with the expectations raised, and which, at all events, would embarrass the free consideration and decision of the Government during the period to which I have alluded. But it will be the duty of the Government—in the ensuing recess—to give to that matter their most anxious and most serious consideration, and I hope, indeed I am confident, that at the beginning of the next Session we shall be able to propose to Parliament some measure which will, we think, be well calculated to meet the just expectations of the country, correct those defects which exist in the present system of representation, and extend the franchise to classes of persons now unmeritedly excluded from that privilege. More than that I trust the House will not expect me to say. If this House has confidence in Her Majesty's Government, they ought so far to exercise their forbearance as not to endeavour in this Session to press Her Majesty's Ministers to declare themselves on particular points in reference to representative reform; but if it has not sufficient confidence in the Government as to be willing to wait till next Session on a matter that requires so much and such grave deliberation, they had better at once say so and place the administration of the affairs of the country in other hands. I am, Sir, glad in being able to congratulate the House on the prospect of the continuance of peace which the present condition of affairs in Europe holds out as mentioned in the Speech of Her Majesty's Commissioners. I trust that the animosities engendered by the great conflict in which a part of Europe was engaged for two years will give way to the more peaceful relations and intercourse which have succeeded that war, and that the great Powers who were engaged in that contest, feeling that their permanent interests are identified with the maintenance of good relations with each other, will cast into oblivion all those sentiments of hostility which the conflict for a time may have created, and permit them to be replaced by feelings of good-will and friendship. I trust, too, that all the great Powers of Europe will discover that freedom of commercial intercourse and a development of the national resources form not only the best system of policy for the interests of their particular countries, but also create a link of union with other countries which otherwise might occupy an adverse position. The more a country advances in material wealth and prosperity, and the more its Government developes its internal resources, the more, on the one hand, will it increase its means of defence should defence ever become necessary; and, on the other hand, the greater will be the interests which will be bound up in the maintenance of peace and the existence of which will dissuade Governments from entering into or prosecuting unjust wars. There is one question which my hon. Friend touched upon which we know is regarded as a great question; I mean the question of church rates. Well, Sir, that also is a subject which the House is well aware is full of practical difficulty. That subject is now under the consideration of the Government, and I hope we shall be able to propose some measure on it which will alleviate the difficulties which have hitherto presented themselves. I cannot promise definitively to propose a measure until we have made up our minds upon the subject; but that matter is under the consideration of the Government, who anxiously desire to frame such a measure as shall be satisfactory to the different classes of the people of this country.

MR. ROEBUCK: I congratulate the House that we have now a distinct pledge from the noble Lord that he intends next year to bring forward a measure of Parliamentary reform. There is no mistake as to his intentions. The noble Lord tells us that in the present state of the representation there are great anomalies—that various classes are not now represented in this House who deserve to be represented, and that it will be the duty of Her Majesty's Government during the recess to frame such a measure as will confer the representation upon these classes. Accepting from the noble Lord, that statement with the interpretation I have put upon it, I can only say I am not one of those who might be inclined to interrupt the course of business in the present Session. Having a clear and distinct statement from the noble Lord that it is his intention to deal with the question of Parliamentary reform, I shall not interfere with his efforts by throwing any obstacle in his way. Such being the interpretation which I have placed upon the words of the noble Lord, I thought it only right to state to this House, plain, simple, straightforward and intelligible, the pledges which the noble Lord had given to the House, and which the House would not forget.

Question put, and *agreed to.*

Committee *appointed* "to draw up an Address to be presented to Her Majesty upon the said Resolution: — Mr. Dodson, Mr. Buchanan, Viscount Palmerston, The Chancellor of the Exchequer, Sir George Grey, Mr. Secretary Labouchere, Sir Charles Wood, Mr. Vernon Smith, Mr. Baines, Mr. Attorney General, Sir Benjamin Hall, Mr. Attorney General for Ireland, The Lord Advocate, Mr. Lowe, Mr. Bouverie, Mr. Hayter, and Mr. FitzRoy, or any Five of them:"—

To withdraw immediately.

Lord Commissioners' Speech *referred.*

The House adjourned at ten minutes past Six o'clock.

HOUSE OF LORDS,

Friday, May 8, 1857.

Minutes.] *Sat First in Parliament.*—The Earl of Ellesmere, after the Death of his Father. *Took the Oaths.*—Several Lords.

GENERAL ASHBURNHAM — DISCIPLINE OF THE ARMY—OBSERVATIONS.

The Earl of CARDIGAN said, that he wished to put a question to the noble Lord the Secretary for War with respect to the attack that had been recently made on General Ashburnham. He was, unfortunately, not present yesterday upon the occasion of moving the Address in reply to Her Majesty's gracious Speech, when an incidental discussion arose upon the affairs of China, and the expedition which had been lately sent out to that country. He now wished to bring before their Lordships' consideration the subject of the attacks which had recently been made upon the general officer appointed to command that expedition. He was glad to hear that the noble Lord (Lord Panmure) had made what he (the Earl of Cardigan) could not but consider an excellent suggestion—that those officers who anonymously or otherwise made erroneous statements in the public press against their commanding officers should not be employed by Her Majesty's Government in future. He (the Earl of Cardigan) also understood that the noble Lord the Secretary for War had great difficulty in ascertaining who those officers in the army were who, from time to time, were the authors of those statements. He could not think there would be much difficulty in arriving at the truth and knowledge of who the authors were. But the question he wished to put to the noble Lord was, whether he did not think the present state of things was unreasonable; and, in the case of officers who were the authors of the present calumnies against their superior officers, whether it was not advisable that some system should be adopted by which the noble Lord as Secretary of State for War, in conjunction with the Commander in Chief, might be enabled to bring any such offender to trial in order to test the truth of his assertions; and, if he failed in establishing their truth, that he should be punished in the most summary manner? He had taken this occasion of bringing the subject before the notice of their Lordships, because a case had now arisen in which the interests of the public service were concerned. The expedition to China was comprised, like every other expedition, of commanding and subordinate officers; and if attacks of this kind upon General Ashburnham were permitted, it was impossible that the subordinate officers and men could feel a proper confidence in their commanding officer. The interests of the public service, however, demanded that such a feeling should prevail among the subordinate officers and men who composed the force. At the same time that he felt deeply the attack that had been made upon General Ashburnham, he did not deny that his statement was somewhat connected with his own position. He had had the honour of addressing their Lordships some time since on this subject, and he was then advised that it would not be desirable to bring the persons who had attacked him to a court-martial, particularly those who had attacked him anonymously. Their Lordships, however, knew that he had suffered under the grossest calumnies, and he felt it to be a great injustice that the officer who had so calumniated him had not been compelled to prove the truth of his assertions. He (the Earl of Cardigan) was not then going to bring his case before their Lordships; but he must say, that unless some check were put upon this system of subordinate officers calumniating their superior officers, the discipline of the army would be destroyed; because, if officers were permitted to calumniate their superiors with impunity, even non-commissioned officers and all the subordinates in the army would do the same, and any man who had a spite against his commanding officer would take this means of revenging himself. He would, therefore, earnestly entreat the noble Lord to consider whether it would not be expedient, in the case where an officer publicly avowed himself to be the author of letters containing attacks upon his military superior—or in any other cases where it was possible to discover who he was—that some steps should be taken to bring him to trial. He repeated that he had himself been grossly calumniated, and that those calumnies had been repeated since he had had the honour of addressing their Lordships on this subject. When he remembered that his services in the Crimea had met with, fortunately, the support and approbation of all his superior officers, both those who were friendly to him and those who were not—that they were acknowledged in the public despatches—having met with that approbation and approval, his own conscience was perfectly clear as to his having done anything which deserved in the least degree the attacks which had been made upon him; and he felt perfectly satisfied that upon every one of those occasions upon which his conduct had been impugned he could not, consistently with his duty, have taken any better course than that which he had adopted.

Lord PANMURE: My Lords, as the noble Earl has called my attention to this subject, I have no hesitation in saying that, in cases where junior officers, either anonymously or otherwise, make attacks on the conduct of their superior officers, I shall be most happy to give to the Commander in Chief all the assistance in my power in maintaining the discipline of the army by bringing those junior officers to account. But there is some little difference between the case of the noble Earl and that which was the subject of discussion in your Lordships' House yesterday. The officer who attacked the noble Earl has avowed his name as the author of a book which he had published in the first instance anonymously. When the noble Earl brought his case before your Lordships I advised him, as his reputation and his position were uninjured, to treat with the contempt they deserved the insinuations made against his military character in that book; and I told him at the same time, that if he wished a remedy in respect of the charges which had been brought against him, the law of the land was open to him as a means of setting his character right with the public. Moreover, the officer who wrote that book was not under any employ by the Commander in Chief. I do not, however, wish now to renew the discussion on the case of the noble Earl; but, in reference to the debate which took place last night, I am desirous of setting myself right with your Lordships with regard to a part of the observations I made on that occasion, in which, I think, I have been misrepresented. I am charged with denying the right of the public press generally to criticise appointments made by the Executive Government—made, that is to say, not by the present Executive Government only, but by any Executive Government. Now, I never had the folly to make any such assertion; on the contrary, I hold it to be the vocation of the public press to criticise all appointments, made either by this or any other Government, because it is their duty so to do for the guidance of public opinion. But what I did call in question was the manner in which the criticisms against General Ashburnham had been made—by an inferior officer, and directed against the professional character of an officer under whom he had served—and the time at which they had been made. Your Lordships will recollect that those criticisms were made, not during the time when Parliament was sitting, and when an answer could have been given to them in your Lordships' House, or in the other House of Parliament, and not during the three weeks which afterwards elapsed when General Ashburnham was in this country and might have defended himself, but after he had left the country as the commander of the expedition intrusted to him by the Government. I think, my Lords, I did right in making the observations which I addressed to your Lordships yesterday on this subject; but I repeat that I by no means denied, or intended to deny, the right of the public press at large to review any appointment that might be made by the Executive Government.

The Earl of CARDIGAN said, he had made no reference whatever to the opinions of the press in the observations he had addressed to the House. What he said had respect to the conduct of junior officers calumniating their superiors, and he contended that unless officers so conducting themselves were brought to account, there would be no way of testing the truth of the accusations they made against others, or of maintaining intact the discipline of the army. In his own case, he must remind the noble Lord that he had had no redress, though he had sought it by the means suggested.

The Earl of HARDWICKE said, this was the case of an officer abused behind his back by an anonymous writer; and the responsibility of the Government for the appointment required them to defend him. He thought, therefore, the noble Lord had done no more than his duty in vindicating the appointment of General Ashburnham to this command. He knew nothing of the attack itself; but he would say that when an officer attacked the character of another in the public prints, it would be the manly and honourable course to sign his name. To make a public attack anonymously was disgraceful. He was not astonished that his noble Friend (the Earl of Cardigan) should call attention to this matter, considering how he had been aspersed himself. The promise of Lord Panmure that he would assist the Commander in Chief in all such cases to take notice by the legal process of court-martial of these attacks, amounted to nothing more than was universally done in the service. That a junior officer was to malign his senior, the two being in the full pay of the Crown, was a thing impossible to admit, unless they were to overthrow military discipline entirely. But when the question arose with regard to an officer on half-pay, or on retirement, who wrote a book, that materially altered the case. The liberty to do so no doubt existed ; the propriety of doing so was another question. Governments in olden times used not to be very fond of officers who were fond of writing ; and if that course were pursued on all occasions, and if the Government showed a disinclination to have anything to do with officers who were in the habit of writing, they would do a great service. It was not necessary, in a military point of view, that an officer should be a great writer ; and if gentlemen retired or on half-pay were to sit down and write abusive books or libels against officers under whom they had served, such a practice must have a tendency to injure military discipline, and the facilities for carrying on the public service. The military law had ceased to have power in such cases, and it must be left to the civil authority of the country to vindicate the character of any officer so attacked. The case then became one of considerable difficulty, as the liberty of the subject might be considered to be connected with it. He thought, himself, that unless both the officers concerned in the transaction were in actual service on full pay, the Crown should not interfere to vindicate the officer who had been calumniated.

THE EARL OF CARDIGAN said, that officers upon half-pay were liable to be recalled to active service at any time, and he thought therefore that the military law as affecting these cases ought to apply to them as well as to officers upon full pay.

THE MARQUESS OF CLANRICARDE said, that he had been somewhat misunderstood, in having been supposed to blame the conduct of the press with reference to this subject. He had not intended to impute any such blame, nor had he any objection to the discussion raised by the press other than that which arose from the particular time at which such discussion had taken place. What he objected to was the conduct of officers who used the newspapers as vehicles for attacking their superior officers behind their backs. He thought there ought to be some power on the part of the military authorities to punish such conduct. He must say that, while military officers were generally the very first to complain of the comments of the press which censured or criticised military appointments and actions, whether such comments were fair, or whether they exceeded what might be considered the limits of fairness, those officers appeared, in every instance, when they thought they had a grievance, to be the first to avail themselves of the press for the dissemination of their own views. Now, he did not think they were entitled to take both these courses, though they might adopt either. They ought to object to the interference of the press and avoid it, or they ought to appeal to the press and submit to its criticism. He thought, however, that when an officer whose identity might easily be ascertained came forward, as "M. L." had done, to make charges affecting the credit of another officer of high position, some military tribunal ought to be empowered to call upon the accuser to establish his assertion.

PRIVILEGE OF REPORTS.— SELECT COMMITTEE MOVED.

ADMINISTRATION OF OATHS. SELECT COMMITTEE MOVED.

LORD CAMPBELL: My Lords, I shall detain you for a very few minutes in moving for the reappointment of the Select Committee, the appointment of which I obtained during the last Session, to inquire into a very important and difficult subject —namely, whether the privilege now enjoyed by reports of the proceedings of courts of justice may be safely extended to the reports of the proceedings of the two Houses of Parliament and of other public assemblies. At present, according to the established law, the proceedings of courts of justice may be published with impunity if they are fair and *bonâ fide.* The greatest benefit has arisen to the public from that privelege ; but it extends no further—not even to the proceedings of the two Houses of Paliament. It has lately been decided—and I believe the decision is allowed to be a sound one—in the case of Davison *v.* Duncan, that if, except in the case of proceedings of courts of justice, the editor of a journal publishes accounts of any other proceedings at all criminatory of any individuals, the proprietors of the journal in which the report is given are liable to an action: and it was stated by my distinguished predecessor, Lord Denman, that there was no immunity for a fair and faithful and accurate account of the proceedings of this or of the other House of Parliament. Now, there does seem to be a grievance here; because although actions are not frequently brought in consequence of the reports of proceedings of either House of Parliament, there is no doubt they may be brought; and, in fact, considerable anxiety prevails lest actions should be brought under such circumstances; and if actions should be brought, there can be no defence on the part of the most distinguished and trustworthy journals. It seems to me, my Lords, that this is a state of things which ought not to continue if it can be prevented. A remedy has been proposed to which I certainly can by no means accede. It has been proposed that all distinctions between verbal and written slander shall be abolished, and that it shall be a good defence to an action for a written libel if the defendant can show that the statement was made by any individual, at the same time pointing out the individual. This proposition is supposed to be founded upon what is called "Lord Northampton's case;" but, as my noble and learned Friend on the cross bench well knows, it is founded upon an utter misconception and misrepresentation of that case. The dictum of the Judges who sat in the Star Chamber went, if properly understood, no further than this—that when what was said by another was repeated upon a proper occasion, the author of the statement being at the same time pointed out, it might be defended. But to allow that what has been whispered in a corner may be published in every journal in the empire with impunity, would be wholly inconsistent with the protection due to the characters of individuals. If all that is said at a public meeting, or in any assembly that may be called a public meeting, is to be published without any remedy being provided for those whose characters may be attacked, the most mischievous consequences will ensue. Public meetings may be got up for purposes of calumny, and the person who utters the calumny may be a man of straw, who will fly the country as soon as he has uttered his slanderous statement. I think, however, that a remedy may be devised which will, at all events, mitigate the evil that exists at present. Some years ago I myself proposed that complete immunity should be given to fair reports of what took place in either House of Parliament. My proposition was supported by the late Lord Denman; but, unfortunately, it was not successful. I certainly cannot conceive any well-grounded objections to that proposal. All the arguments by which you support the privilege of reports of law proceedings will equally apply to the proceedings of the two Houses of Parliament. What is the foundation of that immunity of law reports? The public good. Well, I suppose your Lordships and all the Members of the other House are of opinion it is for the public good that the proceedings of both Houses of Parliament should be made known to the country? But I would not stop there. There are other assemblages with whose proceedings it is desirable that the public should be acquainted. This day, I believe Convocation assembles, and I suppose that to-morrow we shall have an account of the speeches of our most reverend and right reverend Friends. Notwithstanding the grave character of that assembly, statements are sometimes made there which might form the grounds of action: and it would be extremely hard if proceedings were taken against *The Times* or any other journal for accounts of what had been said by the Archbishop of Canterbury or by the Bishop of St. David's. It may be urged—but I only throw out the suggestion, and give no opinion on the matter—that the immunity should be extended to all meetings held under the authority of an Act of Parliament, and to which the public may rightfully claim admission. Some line must be drawn, for it would be monstrous to contend that anything that can be called a public assemblage should be privileged. If that were the case, no doubt Mr. Ernest Jones's meetings and the Sunday assemblages in Hyde Park would be much frequented by those who wished to calumniate their neighbours. Some line must be drawn with regard to the public meetings to which the privilege is extended; but, if this cannot be done, it is matter for consideration whether it might not be enacted that if a fair account of what has taken place at a public meeting is given, and no real damage is inflicted upon the character of any one by such publication, the jury might be entitled, in case of an action being brought, to find a verdict for the defendant. Until very lately if a jury found a verdict for a farthing damages full costs followed; but the law in that respect is altered. I ask your Lordships, however, to consider the case of an action for libel where the plaintiff has suffered no damage, but where the proprietors of the journal against which proceedings are taken are obliged to pay a very heavy sum as costs independently of the anxiety and disagreeable consequences which the mere fact of having an action brought against them must occasion. I merely offer these suggestions in order to induce your Lordships to institute an inquiry on the subject, and I trust you will consent to the renewal of the Committee which was appointed during the last Session.

I wish also to take the opportunity of calling your Lordships' attention to the manner in which oaths are administered to witnesses who are examined before Committees of this House. When the House is not sitting witnesses cannot be sworn, and the consequence is that persons are frequently brought up from the country and are kept in town for some days, or are sent back to their homes and again brought to London to be sworn, either proceeding entailing very considerable expense. The shift is sometimes resorted to of allowing witnesses to give evidence without being sworn, and of afterwards swearing them at the bar of the House that evidence they have previously given is true. The most serious inconveniences arise from the practice; for sometimes, while their Lordships are engaged in the exercise of their judicial functions, there is a tremendous rush to the bar; the learned counsel who are addressing their Lordships are interrupted, the Lord Chancellor is alarmed, and there is as great a confusion as if a second Lord George Gordon's mob had broken into the House. Yet when we come to inquire what is the matter, we find it is only the witnesses on some railway Bill come to the bar to be sworn. The sole question which appears to me to arise is, whether we can remedy the evil by means of a standing order, or whether we must have recourse to legislation. When I first considered the matter I was of opinion that your Lordships had power, *proprio vigore*, to authorize witnesses to be sworn before Select Committees. Since I first brought the matter before your Lordships, the matter has been inquired into by my learned Friend Mr. Macqueen, and the opinion I formerly entertained has been fortified by the result. It seems there have been repeated instances where your Lordships have delegated the power of administering oaths to witness to Commissions—for instance, it appeared that it had been systematically done so in the case of the tryers of petitions, and in the case of Lord Lovat, a commission was sent down to Scotland to examine witnesses on oath, and that Commission did administer the oath and examine witness so far off as Inverness. If that is within your Lordships' power as to Commissions, why is it not within your power as regarded Select Committees from your own body? I will not, however, give any decided opinion on the question; especially since I understand that my noble and learned Friend on the woolsack and my noble and learned Friend on the cross benches (Lord Wensleydale) entertain doubt as to the power as regarded Select Committees by means merely of a standing order. Until these doubts are removed, I shall not attempt to remove the difficulty by that means. Then as regarded legislation, it might be said that the House of Commons would object to pass a Bill to enable their Lordships to swear witnesses before a Select Committee unless similar power was given to themselves. It is true that the House of Commons itself had no power of administering oaths; but that, in my opinion is an anomaly which ought to be removed, and similar powers ought to be given to the House of Commons in every respect. However, for the present, I shall content myself with moving, first—

"That a Select Committee be appointed to consider whether the Privilege now enjoyed by Reports of the Proceedings of Courts of Justice may be safely and properly extended to Reports of the Proceedings of the Two Houses of Parliament, and of any and what other Assemblies or Public Meetings, under any and what Conditions or Restrictions."

And secondly—

"That a Select Committee be appointed to consider and report on the Expediency of altering the present Mode of administering Oaths to Witnesses to be examined by Committees of the House."

THE LORD CHANCELLOR thought that all their Lordships would concur in the propriety of the course proposed to be pursued by the noble and learned Lord. Both the subjects to which attention had been called were of the greatest importance. With respect to the last alluded to he confessed, looking at the matter with the eye merely of a lawyer, he doubted whether it would be safe to attempt to effect the important change suggested simply by a standing order. It might be possible, investigating the subject with the eye of an antiquarian, to discover precedents, leading to a conclusion that the right of delegating to Committees of the House to swear witnesses did exist; but it must be felt, if such a course were taken and a witness were afterwards charged with perjury for evidence given before a Committee that it would be to the last degree doubtful what might be the decision of the Judges in Westminster Hall on the validity of the oath so administered; and therefore in matters which might involve criminal consequences of great importance, he was satisfied that it was best not to leave the matter to chance, and, unless his noble and learned Friend could satisfy the Committee for which he now moved, that the power for which he contended did exist beyond any reasonable doubt, he was sure that legislation was the wisest course to pursue. The object of administering oaths was to give the highest sanction to truth, and it was always said that an oath should be administered with the greatest solemnity and by the highest functionaries; but any of their Lordships who had witnessed the administration of oaths in that House must be aware that that object was not promoted by the present practice. His noble and learned Friend had certainly not exaggerated the indecorum attendant on the swearing of witnesses at the bar of the House. Sometimes, in consequence of the rushing in of witnesses to be sworn at the bar, there was such a disturbance that the proceedings of a judicial nature which were going on had to be suspended, or else they were continued in the midst of noise made by a crowd at the bar taking oaths with very little of solemnity. There was the least possible solemnity in the mode of administering oaths, and that the evil ought to be remedied he had no doubt. He felt convinced that a power given to Select Committees of their Lordships' House to swear witnesses would work well, and the oaths would then be administered with greater solemnity. As at present advised, he saw no difficulty in the suggestion that the Commons would not pass a Bill to enable witnesses to be sworn before their Lordships' Committees without claiming a similar privilege for themselves. He had not considered that part of the question, but he saw no reason why they should not enjoy such a privilege if the object was to get at the truth, and if the administering an oath afforded greater security of attaining that object. In that Motion of his noble and learned Friend, therefore, he entirely concurred, although he would caution him and the rest of their Lordships not to be led away by old antiquarian precedents of what had been done by the Tryers of Petitions in former days, which might afford very scanty security against what might be the decisions of Westminster Hall in modern times. With regard to his other Motion, he entirely agreed in the expediency of removing what he admitted to be an acknowledged and crying evil. He feared that it would be very difficult to arrive at a definition of what should be regarded as a public meeting, the publication of whose proceedings ought to be allowed; but he believed that the suggestion of his noble and learned Friend that juries should have the power, in cases where they thought that no damage had been inflicted, of finding a verdict for the defendant, which would give the defendant his costs, would afford a simple and practical remedy for the existing evil. He reserved to himself, however, the right to examine the subject more in detail before committing himself to the approval of any particular measure.

Motion *agreed to;* Committees severally *nominated*.

House adjourned at a quarter past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 8, 1857.

MINUTES.] PUBLIC BILLS.—1° Transportation and Penal Servitude; Registration of Long Leases (Scotland); Industrial Schools; Judgments Execution, &c.

THE LICENSING SYSTEM—QUESTION.

MR. KER SEYMER inquired of the Secretary of State for the Home Department whether the Government intended to propose any alteration in the present mode of Licensing Public-houses and Beer-shops.

SIR GEORGE GREY replied, that it was not the intention of the Government during the present Session to propose any Bill upon the subject; at the same time he thought it right to say that the law relating to the licensing of public-houses and beer-shops was in a very unsatisfactory state. The hon. Member who had asked the question, and who had paid great attention to the evidence given before a Committee which sat two Sessions ago, would confirm the statement that very great and well-founded complaints were made of the present system of licensing and the mode of licensing. Some of the evils complained of no doubt arose from the defective administration of the law rather than from defects in the law itself; but still the law required reconsideration, and the attion of the Government would be directed to the subject next Session. In consequence, however, of the great amount of capital invested in those trades and the great interests involved, very great caution was required in dealing with the subject.

THE SUPERANNUATION ACT.

QUESTION.

Sir M. S. STEWART asked whether the Commissioners appointed to inquire into the Superannuation Act had sent in their Report; and, if not, he wished to know when that Report might be expected?

The CHANCELLOR of the EXCHEQUER said, the Commissioners had not yet sent in their Report, but he had reason to believe that such Report was in a forward state, and would before long be laid before the Government. As soon as that was done it should be placed upon the table of the House.

LORDS COMMISSIONERS' SPEECH.

REPORT BROUGHT UP.

Report of Address *brought up*, and read.

Mr. HADFIELD wished to call the attention of the House to that paragraph of the Address which referred to the great development of the wealth and industry of the people throughout Her Majesty's dominions. That appeared to him a great exaggeration. There was one most important part of Her Majesty's dominions which formed an exception to this rule, and that was India. There was not a more ill-governed, a more oppressed, a more degraded people in the world than our fellow-subjects in India. We had done nothing as we ought to have done to develope the resources of that country—resources which were so admirably calculated to promote the happiness of the people there, and to advance the commerce of this country. He would not enter on this subject now, as it was one that required separate and distinct discussion; but he could not let the present opportunity pass without recording his opinion regarding it. It was not his wish to disturb the unanimity of the House upon the Address, and therefore, he would not move the Amendment which he at one time contemplated; but he trusted the attention of the friends of India would speedily be directed to this subject, and that the opinion of the House would be taken on the question whether a more efficient mode of developing the resources of India could not be devised, and whether the obstacles which now impeded the application of skill and capital in Her Majesty's foreign and colonial possessions generally could not be removed, for upon them, to a great extent, would depend the future greatness of this country.

Mr. BOWYER wished to ask the Secretary to the Treasury when the Committee on Public Moneys would be reappointed?

Mr. WILSON said, the Committee on Public Moneys had been moved for by the right hon. Gentleman the Member for Portsmouth (Sir F. Baring). The Government had no objection to the immediate reappointment of the Committee, but he thought it desirable to consult with his right hon. Friend on the subject.

Mr. BRISCOE could not refrain from expressing his satisfaction at the declaration made by the noble Viscount at the head of the Government last night, that it was his intention at the opening of the next Session of Parliament to submit to the House a measure of Parliamentary reform. He could corroborate what had fallen from the noble Lord the Member for Middlesex as to the state of public feeling on this question. He had recently attended several large meetings in that division of the county which he represented, and there was an unanimous feeling expressed at every one of them in favour of a county franchise of the value of £10, and that *bonâ fide* occupiers of houses of that value should be admitted to the elective franchise. Such a concession would be wise, safe, and beneficial to all the great interests of the country. He hoped that such a measure would next Session be proposed on the subject of church rates as would be readily conceded by the members of the Established Church, and would give satisfaction to the Nonconformist part of the community.

Address *agreed to;* to be presented by Privy Councillors.

On Motion, That the House at its rising do adjourn till *Monday* next.

THE "TRANSIT" STEAM-TRANSPORT.

QUESTION.

MR. W. S. LINDSAY rose to put a question of which he had given notice, regarding Her Majesty's ship *Transit*. The history of the ship was rather a singular, and not a very prosperous, one. On the 7th of April this vessel sailed from Spithead, having on board 30 of the Royal Engineers, 286 of the 90th Foot, and 119 of the 59th, besides officers. On the 8th, the day after, she brought up near the Needles and anchored for the night. She there swung on to her anchor, knocked a hole in her bottom, and returned to Portsmouth in a sinking state. At Portsmouth, so far as he could understand, she was, as regarded her recent accident, sufficiently repaired, and again sailed. The next they heard of her was by letter, dated 19th of April, from which it appeared that she put into Corunna in deep distress. He wished it to be understood that he took these particulars from the public journals, and desired to have an explanation regarding them, making no charge of his own. They were told that the *Transit* put into Corunna in deep distress; and a gentleman, who was described by the correspondent of *The Times* at Portsmouth as a person of intelligence, respectability, and rank, and who was one of the passengers on board the vessel, gave the following description of what had occurred on the voyage:—

> "Here we are, done up!—two days' 'Bay' weather sent us in here to be fresh rigged! You never saw a worse sea-boat in your life—crank, top-heavy, and everything that's bad! . . . Such an old tub you never saw'; the rigging never set up, or anything secured; we had hard work to keep the masts from going over the side; if she had pitched instead of rolling, I am sure the foremast must haye gone over the bows. . . In fact, a greater tub to roll I never saw. She is top-heavy. I am certain she will never weather the Cape. . . . She is a disgrace to the British Government, and more so to the dockyard authorities. . . . There are not one dozen men (troops) on board with dry hammocks, every seam in her deck letting in water."

The *Transit* was one of three vessels, namely, the *Perseverance*, the *Urgent*, and the *Transit*, which were bought by the Government from the Messrs. Mare at a time when transports were in great demand. Many Gentlemen of that House must remember the *Perseverance*, which was allotted to them on the day of the great naval review at Spithead, when he believed many Members were not privileged to see the review at all. This ship on entering the dockyard at Deptford capsized, and did a great amount of damage, not merely to herself, but to the storehouses in the yard. Noble Lords in another place would remember the *Transit*, for it was the vessel which had been appointed to carry them to the naval review, and it served them even a worse turn than the *Perseverance* had served the Commons. He was not going, however, to trouble the House with the old stories about noble Lords baling out water, and so on, as they were all gone by. The third vessel was the *Urgent*, but, as he had not given any notice to the right hon. Baronet the First Lord of the Admiralty of his intention to question him as to this vessel, he should not expect him to enter into any explanation in reference to the various reports which had been published about her. It appeared that the *Urgent* left Spithead on the 28th of February last, with the 49th Regiment on board, for Barbadoes, and it was stated that, having sprung a dangerous leak in the Bay of Biscay, she had put into Corunna on the 3rd of March in a sinking state, and would certainly have foundered but for the calm weather and the daring act of the second engineer, who set free the valves of the engine pumps. On the 9th of March she put into Madeira, and after sailing thence she broke her engine gear, which was however repaired in twenty-four hours. Her engines were again set to work, but again broke, and she was obliged to proceed to Barbadoes under sail, where she arrived on the 27th of March. Another letter from Barbadoes, dated April 6, entirely confirmed this statement. The writer said that for the first two days of the voyage everything went on right, but that on the third day it was discovered that a leak had been sprung, and that there were eight feet of water in the hold. An attempt was made to set the pumps to work, but it was found that they would not work. There were 800 men on board, and the boats would only hold 300, so that they were obliged to set about making rafts. Luckily they got into Corunna just before the furnaces went out. After leaving Madeira the engines broke down twice, and it was found on arriving at Barbadoes —this was so extraordinary a statement that he could scarcely understand it—that the screw had worked out a large piece of iron from one of the plates in the ship's stern, which prevented the machinery of her screw from working, while she took in so much water that thirty men were kept at work at the pumps during the whole time. These three ships were built by Messrs. Mare and Co., builders of great eminence, who had turned out some very fine ships; but it was stated that after they left the hands of those gentlemen and came into those of the Admiralty, alterations were made in them which entirely spoiled them. It was reported and very generally believed that the Admiralty built large poops and raised forecastles on them, and put masts and yards upon them far too heavy for their tonnage. If this were so, it would be easy to account for the extraordinary statements which had been made. To make the House understand, he must state that those ships were built on very fine lines, long and narrow, and the effect of such alterations as these would be to destroy their stability on the wind. Masts which would keep a ship of 50 feet beam stiff on the wind would be too long and heavy for a ship of 35 feet beam, and would make her anything but stiff. With the top weight above and the fine lines below, every seam of her would open in a heavy rolling sea, and this would account for the men's hammocks being perpetually wet, and for all the other accidents spoken of. He thought it right to add that he did not know he should have called the attention of the House to the case of the *Transit*, because he thought it hardly fair to attack the Government for a particular case; but it certainly was extraordinary that all three ships should meet with somewhat similar accidents, or a series of accidents; and he hoped, for the sake of the agonized feelings of those who had relatives on board the *Transit*, now on her way to China, that the right hon. Baronet would be able to give some satisfactory explanation of these various statements. Having some time ago expressed disapprobation with regard to the manner in which the affairs of the Admiralty were conducted, he was happy to say that he believed there was now a great improvement. Persons who wrote to the Admiralty on business now obtained prompt replies. The deaf and dumb gentleman to whom he formerly alluded had been removed to a position in which it was not necessary to hear or speak, and in which his abilities were of the greatest advantage to the public service; and he did not hear of bull-dogs being chained to the desks of young gentlemen. The questions which he wished to ask the right hon. Baronet were, whether it was true that the three ships to which he had referred were bought of Messrs. Mare and Co., and, if it could be stated, what price was paid for them; whether it was true that after they came into the hands of the Admiralty they were supplied with poops, topgallant forecastles, masts and yards which destroyed their stability?

MR. BENTINCK thanked his hon. Friend the Member for Tynemouth for having brought this subject under the notice of the House; and, before the right hon. Gentleman the First Lord of the Admiralty answered the questions of his hon. Friend, he wished to ask whether another circumstance respecting the accident to the *Transit*, which had been adverted to by his hon. Friend, was correct? His hon. Friend's statements were from the newspapers, and his (Mr. Bentinck's) were from the same source. The circumstance of the *Transit* being allowed to ground on her own anchor showed great neglect and carelessness, but it was stated that the existence of the leak was not discovered until 5 o'clock next morning, when the engineer went into the engine-room. It was almost impossible to suppose that in a vessel of that class, and with that number of men on board, there would be no proper night-watch kept, or that there would be no officer whose duty it was to ascertain the state of the ship during the night, but he should be glad to hear from the right hon. Gentleman whether anything had come out before the Court of Inquiry which had been held on this accident to give foundation for such a statement.

SIR C. WOOD said, he was very glad to have the opportunity of making a statement on this subject, because it was impossible to deny that a very strong feeling had been created in the country by the various reports and the various letters which had appeared in the public papers in reference to these vessels. He trusted the House would excuse him if he went at some length into this matter, for he hoped to be able to remove from the public mind the unnecessary degree of alarm which had been excited by the statements to which the hon. Gentleman the Member for Tynemouth had referred. These three vessels were built by Messrs. Mare, who were builders in the river of the highest possible character. They were not built with reference to the anticipated demand in consequence of the war; but, when the war broke out and there was a great demand for troop ships, the Admiralty, hearing that these vessels were likely to suit them, caused them to be surveyed by the master shipwright of Deptford and one of the engineer officers of Woolwich, and, upon their report that they were well calculated to carry troops and stores, purchased them. The only alteration they suggested was that they should be so fitted that their screws could be raised. The hon. Gentleman (Mr. Lindsay) had asked whether it was true that these ships had heavy poop decks built upon them, whether they were fitted with the masts of two-deckers, and that such ballast had been put into them as entirely to alter their trim and change them from very safe to exceedingly crank and dangerous vessels. The fact simply was, that the size of their poops had been increased and the fore part of the vessels had been covered over so as to afford greater accommodation for the ship's company, and thus to leave the whole decks clear for the accommodation of the troops. This was done with the lightest possible materials, and did not seriously add to the weight of the upper part of these ships. All these ships had been fitted with lighter masts and yards and with a smaller quantity of sail than was intended to be given to them by their builders. He had not the particulars of the equipment of all the three ships, but he could state to the House the facts as to the *Transit*. The *Transit*, instead of having the masts of a two-decker, or of a vessel of that tonnage, according to the Admiralty scale, had the same masts as were put into the 20-gun corvettes which had recently been built and sent to sea, and which were reported to be so stiff that the Admiralty were about to build another vessel of the same size, and to give her an upper deck. The *Satellite* was one of these corvettes, and the masts of the *Transit* were similar to those of the *Satellite*. The tonnage of the *Satellite* was 1,460 tons, that of the *Transit* 2,580 tons; the length of the *Satellite* was 200 feet, that of the *Transit* 300 feet; the beam of the *Satellite* 40 feet 4 inches, that of the *Transit* 41 feet 6 inches. Therefore, so far from having the masts and yards of a vessel larger than herself, the *Transit* was rigged according to the scale of a vessel 100 feet shorter, 14 inches narrower, and 1,120 tons less than herself. The whole weight of the upper works of the *Transit* was 62 tons; that of the guns and shot carried on the upper deck of the *Satellite*, 84 tons. The area of the sails intended to be given to the *Transit* by her builders was 18,800 square feet; the area of those which she actually carried was only 16,400. The result of all these arrangements was that the stability of the *Transit* as compared with that of the *Satellite* and her sister corvettes was as 3 to 2. These vessels were not built for troopships, but, so far from having spoiled them by the alterations which they had made in them, the Admiralty had very considerably improved their stability. They were built for carrying cargoes, which would be put low into the ships, and would be carried during the whole of the voyage; therefore, when they came to be used as troopships, it was necessary to put ballast into them to counteract the effect of the less weight of troops and their baggage as compared with deadweight cargo, and to provide against the diminution of weight by the consumption of water and provisions on the voyage. Into none of them, however, was there put so much ballast as to sink them below the point intended by the builders to be their water-line. In the case of the *Transit* the Admiralty were not satisfied with the calculations alone, but made experiments upon her at Sheerness, both with numbers of troops placed on board and with deadweight, and the result of the practical experiment so tried was entirely to confirm their previous calculations. A few hours before he came down to the House he had had put into his hands a publication called the *Mechanics' Magazine*, containing an article upon the *Transit*, written, he believed, by a person of considerable science who was a witness of these experiments, and in that article there was the following passage:—

> "If we express in numbers the ratios of the moment of stability to the moment of the sails—which is the measure of the stiffness of the ship under canvas, then while the *Pearl* and the *Satellite* are each represented by the number 54, the *Transit* will be represented by the number 69. This is when the vessels are light. When they are deep the numbers are,—*Pearl* and *Satellite* each 84, and *Transit* 119. The relative stiffnesses under steam alone are, when light, *Pearl* and *Satellite* each 53, *Transit* 67; when heavy, *Pearl* and *Satellite* each 82, *Transit* 116. As a further evidence of the stiffness of the *Transit*,

> we may compare her stability with that of the *Adventure* (formerly the *Resolute*), which was justly praised in *The Times* of Tuesday, May 6, by Mr. J. Laird, of Birkenhead, who built her. These ships are of about the same size, the displacement or weights differing only by three tons —that of the *Transit* being 2,751 tons and that of the *Adventure* 2,748 tons. The stability of each of these ships was estimated approximately; the decks, engines, masting gear, equal weights of ballast, &c., being taken into account; and while the stability of the *Adventure* was found to be 5,130 tons, that of the *Transit* was no less than 8,484 tons."

He hoped, therefore, that the House would be satisfied that both by calculation and by experiment the *Transit* had been proved to be as steady a vessel as could be sent to sea. The experiments of which he had spoken were tried after the poop and forecastle were put on, and therefore showed the quality of the vessel, not as she was when she was purchased, but as she was at the present time. The hon. Gentleman (Mr. Lindsay) had referred to the case of the *Perseverance.* It was true that an accident occurred to that ship when in dock at Woolwich, which occasioned some alarm, but since she had been at sea she had done her duty remarkably well. On the day of the naval review, complaints were made by hon. Members of a delay on the railway, but he was not aware that any one had made any complaint of the accommodation on board the *Perseverance,* or of the manner in which that vessel had performed the service for which she was appointed. About a week ago, a letter was received from her Commander, Captain Macdonald, one of the officers present at the time of the accident to which the hon. Gentleman had referred. The letter stated,—

> "You need not be in the least anxious as to this ship's being top-heavy; for on our arrival at Barbadoes we had only four tons of coal dust and a very few days' bread and provisions left."

The *Perseverance,* therefore, had performed her duties without the slightest complaint of any sort or kind. With regard to the next vessel to which reference had been made, the *Urgent,* he could only state that he was not aware that any well-founded complaint had been made against that vessel as distinguished from her engines. It was true that, as regarded her engines, a complaint had been made about an occurrence which took place when first she went to sea, but the House must remember that the engines of those vessels and the machinery connected with those engines were not manufactured in Government dockyards, but by enginemakers in different parts of the country. The engines of the *Transit* and *Urgent* were built by the Messrs. Napier, of Glasgow, builders of great celebrity, for the Russian Government, and they had been seized at the commencement of the war and placed in those vessels. Now, what had happened in reality to the *Urgent?* It was perfectly true that an accident happened to the *Urgent* in the Bay of Biscay, but the accounts which had appeared in the newspapers were founded rather upon the imagination of the writers of them than from the real facts of the case. In order to show to the House what actually did occur, he would read the letter which had been received from the commanding officer, and which ran as follows:—

> "Her Majesty's ship *Urgent,*
> Corunna, March 5, 1856.
>
> "Sir,—Exaggerated accounts will find their way to England about the *Urgent* and the 49th Regiment having to put into Corunna. I shall take the liberty of laying before you the facts:— The leaden joints or washers inserted between the blow-off pipe and the Kingston valves proved rather too slight for their work, and were blown out, thus dividing the pipe by which the water from the boilers is driven into the sea. It is my belief, also, though I have no proof to offer, that some small substance, such as a bit of wood or coal, was driven through the Kingstons, and temporarily prevented their closing after blowing off. My letter to the Board states the time and circumstances of the water coming into the ship, and which at one time rose nearly up to the fires. Under the circumstances—made so much more grave from our not knowing how to account for the leak—we manned all the pumps, made use of the fire-engine, and of all the buckets to bale. The compartments forward and aft were tight, and confined all the water to the stoke-hole, and in a short time we had mastered the water. By one P.M. the ship was dry, and the cause of the leak discovered. The chief engineer stated that the defect could be made good at sea, but as Corunna was not much out of the way, I determined to put in there and coal, instead of stopping at Madeira for that purpose, by which means the defects would be made good with more certainty and with more satisfaction to those persons embarked in the ship; but I have no hesitation in saying that the ship might have gone anywhere without anchoring to repair the defective joints, although we should have found ourselves obliged to blow off much of the water in the boilers into the bilges—a very objectionable proceeding, and, of course, involving the necessity of pumping it out again. Since arriving here we have made iron joints instead of those broken, and having nearly filled up with coal, I hope to proceed to Barbadoes at two P.M. "C. G. PHILLIPS."
>
> "Captain Milne, R.N."

Gentlemen making these attacks always seemed to imply that it was only Government vessels that suffered from bad weather. The right hon. Gentleman opposite had complained before Easter of the *Megœra* having been compelled to put back into Plymouth from injuries caused by heavy weather, which was repaired in a couple of days. He had learnt since that a fine merchant steamer had encountered the same weather, had been totally dismasted, drifted to the coast of Portugal, and, after considerable delay, returned to Plymouth with jury masts. As regarded the *Transit's* engines, they were, as he had already stated, originally built for the Russian Government, and he would frankly admit that they had turned out ill, and had broken down more than once; but all the accidents which had occurred were to be attributed to the engines, and not to the ship itself. During the war the necessity for the services of the vessel was so great that it was found impossible to lay her by and put in new engines, and all that could be done was to repair the existing engines as well as possible, but at the close of the war they had been taken out and new ones substituted for them, and the ship was put into a perfect state of efficiency to go to sea. With regard to the particular accident to which reference had been made, he would inform the House how it occurred. The ship left Portsmouth, and proceeding towards the Needles, encountered a thick fog, and the commander, finding that there was a large number of merchant vessels about, determined to anchor. He did so, and in the course of the night, the tide having changed, the ship drifted over her anchor, which upon being raised was found to have had its stock broken, and the hole in the bottom of the ship had clearly been caused by the vessel striking the anchor-stock. The conduct of the captain was, no doubt, exceedingly negligent, and the court of inquiry had not, as had been stated in the newspapers, acquitted him of all blame, but, on the contrary, had reported this careless conduct, and he had been reprimanded most severely. He was an officer of high character, and had served with great credit to himself, and it was not thought that a single instance of carelessness should, in his case, be visited by his being superseded.

Now, this transaction was the foundation of a very amusing article in a newspaper; it was suggested that he (Sir Charles Wood) ought to be sent to sea in the *Transit*, and that the Board of Admiralty had been guilty of more than Crimean mismanagement; and yet it must be obvious to everybody that no precaution on the part of the dockyard authorities or the Board of Admiralty could have prevented such an accident. With regard to the *Transit* having put into Corunna, the hon. Gentleman had referred to a letter describing the dangers which the ship incurred in the Bay of Biscay. He did not know whether the Gentleman who wrote that letter was suffering from that depression of spirits which sometimes displayed itself on board ship in those not accustomed to the sea, and who therefore took a gloomy view of matters; but he could only say he had received a very different account. He would read to the House a letter which he had received from a friend of his, whose brother was in command of the troops on board the *Transit* :—

"Dear Sir Charles,—I received last night a letter from my brother, written on board the *Transit*, at Corunna, the tone of which is so different from that of one which I have just read in *The Times*, that I think it right to let you know what he says. My brother is in command of the troops on board, and though by no means given to grumbling, would not be likely to conceal from me any serious complaint in such a matter. He says that the *Transit* had to encounter a four days' gale in the Bay of Biscay, the wind blowing right in their teeth; that they shipped a good deal of water (no mention of any leak), and that their foremast rigging having got loosened, they have put into Corunna in order to get it put to rights, and expect to be off again the following morning. He speaks in high terms of the general arrangements for the comfort of the troops, who he says are in perfect health, and is warm in his praises of Captain Chambers. His whole letter is written in the best spirits, and certainly conveys no idea of any misgivings as to the safe arrival of the *Transit*."

It was by no means an unusual thing for the rigging of a newly-rigged ship to stretch, and the rigging of the *Transit* had, no doubt, stretched and required to be set up. He had been told by a naval officer an instance of a ship which, after having been at Portsmouth ten months, merely went across the Bay of Biscay, and in that case the rigging was so stretched by the change of climate, that it was necessary to set it up on arriving at Lisbon. The operation of setting up the rigging of a ship might, he understood, be performed at sea, but in the present instance it had been thought more convenient to do it at Corunna. The ship was reported to be an easy ship. He would read an extract from the report of the sailing qualities of the ship *Transit*, dated the 22nd of August, 1856, signed by the commander, master, and the carpenter :—

"Does she ride easy at anchor ?—Yes, so far as tried.

> "Does she roll easy or uneasy in the trough of the sea ?—Deep, but easy.
>
> "Does she pitch easy ?—Yes.
>
> "Is she, generally speaking, an easy or uneasy ship ?—Easy."

The statement which he had made would, he thought, serve to show the House that the *Transit* had been tried in every possible way. He might add, that there was now no complaint made with respect to her engines, and he was sure the House would not fail to see that the first accident which had befallen her was not to be attributed to any omission upon the part either of the Admiralty or of the authorities at the dockyard, but rather to negligence upon the part of her commander, while the accident which had happened to her in the Bay of Biscay was one to which any ship might under similar circumstances be liable. He trusted he had now satisfied the House upon the subject, and would venture to express a hope that what had fallen from the hon. Gentleman the Member for Tynemouth would induce the observance of more caution and more forbearance in laying such letters as they have heard read before the public. He did not, of course, in the slightest degree complain of any attacks which might be made upon the Board of Admiralty. It was but natural that they should expect to be found fault with; but such statements as had been put forward were cruel to the relatives of those who were embarked in these vessels. After the vessels had sailed, no possible good could ensue from such statements published in the newspapers, and they were cruel to the relations and friends of those on board. When a ship went upon a long voyage, a considerable time must elapse before any information could arrive with respect to her crew, and much unnecessary anxiety was caused by communications which raised the greatest alarm, whilst it was impracticable from there being no possible communication from the vessels for weeks or months, that such alarm should be removed.

ADMIRAL WALCOTT said, that if the question now under consideration had not been introduced by the hon. Member for Tynemouth, he had come down with the intention, as a matter of duty, of moving for a copy of the inquiry instituted, in consequence of the *Transit* having sustained injury whilst at anchor off the Needles ; and, likewise, for any official document relative to that vessel having put into Corunna to repair damages, as such papers were indispensable to a clear understanding of these circumstances. With regard to the former point, he very much doubted the propriety of anchoring in such shoal water as had caused her to ground upon her anchor, whilst he admitted the force of the statement of the right hon. Baronet that a thick fog prevailed at the time. It had been stated in the newspapers that the commander of the *Transit* had been fully acquitted ; but it now appeared that the Board of Admiralty had adjudged him exceedingly negligent, and pronounced a severe reprimand on his conduct. He (Admiral Walcott), as a naval officer, must acquiesce in the justice of that sentence, as it was evident that he had not taken those precautions which the circumstances of the case demanded, and had anchored his ship in a position which left only two feet of water between her keel and the ground. The greatest care was requisite, and every attention should have been paid to the tide, so that, by hoisting the sail ordinarily used, the ship might have been kept clear of her anchor on its change. The hon. Member for Norfolk had alluded to a fact (which, as it had not been contradicted by the right hon. Baronet, he must accept as proved) as one of a singular character, that the water in the *Transit* had risen to a considerable height before it was discovered. It was not found until five o'clock, when the engineer went into the engine-room, whereas it ought to have been known an hour previously ; the uniform custom being for the carpenter's mate to sound the well, and to report to the officer at the expiration of each watch. In this respect also he (Admiral Walcott) must observe great negligence had occurred. However, by Divine Providence, no danger had resulted; with a celerity very creditable to the authorities, the repairs had been effected in Portsmouth dockyard, and the ship again proceeded to sea. He never, without feelings of the deepest distress, lifted his voice against the conduct of a brother officer, but, in the case before the House, he must observe that great neglect had been shown by the commander of the *Transit;* and, considering the distrust and anxiety of which it had been the cause to 900 officers and men, as well as the grave censure which the right hon. Baronet said it had called down from the Board of Admiralty, it might have been the better course to have appointed another commander to that vessel. The *Transit* afterwards experienced severe weather in the Bay of Biscay. The observations of the First Lord of the Admiralty on that point he must also corroborate. Every naval officer knew that when a ship went to sea and encountered a gale of wind with new rigging, the latter invariably stretched, so as to necessitate incessant attention to the safety of the masts. Under such circumstances there was a clear course for the commanding officer to adopt. He should take in the slack of the leeward rigging, then wear his ship, and take in the slack which had been the windward rigging. The right hon. Baronet further stated that the water which the vessel shipped did not enter by the seams of the deck. If it had so come in, the fact might be attributed to a straining similar to that of the rigging, and the caulkers aboard could readily have prevented its recurrence. Although he could not understand the reasons which had induced the commander to put into Corunna, he felt perfectly persuaded that the *Transit* was seaworthy, and, instead of foundering, as it had been predicted, while off the Cape of Good Hope, would make a safe passage.

He earnestly hoped that the object of that voyage might be successful. Although he had never given his approval to the Chinese war, and still adhered to his opinion, that, by a timely display of sound judgment and sagacity, it might have been averted; yet, now that hostilities had been commenced, he would be foremost in giving every support to the Government in sending out sufficient reinforcements, and adopting such measures as would ensure to it such a termination as would be satisfactory to the country. In conclusion, he would express his hope that the mind of the public would be relieved of all anxiety as to the safety of the *Transit*, from the expressions of confidence which had been made in the House that evening. It was his own conviction that no apprehension was to be entertained with respect to the ship, and that she was neither overmasted nor overtopped in her poop or forecastle, so as to endanger her safety; such, he trusted, would be also the belief of those concerned most nearly with the valuable charge of human lives committed to her conveyance.

Admiral Walcott

CHAIR OF MILITARY SURGERY AT THE UNIVERSITY OF EDINBURGH.

QUESTION.

MR. BLACK asked the Secretary of State for the Home Department if it was the intention of the Government to make an appointment to the Chair of Military Surgery in the University of Edinburgh, which had been vacant for more than twelve months.

SIR GEORGE GREY said, that the appointment lay in the hands of his noble Friend the Secretary for War, who had selected an officer for the purpose. That gentleman would, he believed, enter upon the discharge of his duties on the 15th instant.

Motion *agreed to.*

House at rising do adjourn till *Monday* next.

TRANSPORTATION AND PENAL SERVITUDE BILL.

LEAVE. FIRST READING.

SIR GEORGE GREY moved for leave to bring in a Bill to amend the Act of the sixteenth and seventeenth years of Her Majesty, to substitute in certain cases other punishment in lieu of Transportation. In doing so the right hon. Baronet took occasion to observe that he hoped the House would not expect he should enter into any lengthened statement, inasmuch as the Bill was in substance the same as that which he had introduced in the last Parliament, any alterations which he might since have made in the measure being matters of mere technical detail. The Bill proposed to carry into effect several of the recommendations made by the Committee which had sat upon the subject of secondary punishments last Session, and if the House would permit him to lay it upon the table that evening he should fix an early day for the second reading—Monday next—if that day should meet with the approval of hon. Members, insasmuch as he was anxious to have some decision upon the measure before the estimates, which would occupy a considerable time, were brought under discussion.

Leave given.

Bill *ordered* to be brought in by Sir George Grey and Mr. Massey.

Bill *presented,* and read 1°.

HUDSON'S BAY COMPANY.

SELECT COMMITTEE MOVED.

Mr. LABOUCHERE moved for a Select Committee to consider the state of those British possessions in North America which are under the administration of the Hudson's Bay Company, or over which they possess a licence to trade. The right hon. Gentleman observed that he had in the last Session of Parliament stated at some length the reasons which had induced Her Majesty's Government to come to the conclusion that it was their duty to call the attention of the House of Commons to the position of that vast region, extending from the shores of Baffin's Bay to the Pacific Ocean. The House had upon that occasion deemed the statements which he had made sufficient to warrant the appointment of a Committee to investigate that very important subject. That Committee had sat for some time, had examined several witnesses, and had elicited information of great importance when the dissolution took place. He now proposed to the House to renew the inquiry thus abruptly closed, and in doing so he was happy to be able to state that out of nineteen members who had served on the original Committee seventeen had been returned to the new Parliament, so that he trusted the House would again have the advantage of the experience which those hon. Gentlemen had already acquired. He should also take that opportunity to inform the House that the colony of Canada had sent over to this country the Chief Justice of Upper Canada—a gentleman of the highest character—who would be ready to give the Committee that invaluable assistance which the testimony of such a man could not fail to afford. From the progress which had been already made in the inquiry he ventured to hope that the Committee would be enabled to bring their labours to a conclusion before the end of the Session, and that the Government would be in a position to deal very shortly with the important and complicated subject of their deliberations.

Mr. ADDERLEY said that two Members on the former Committee were not in the present Parliament, and if it were not premature to put the question he should like to know what Members it was intended to propose in their place? He and some other Members of the Committee were axious that Mr. Christy, the present Member for Newcastle-under-Lyne, should fill one of the two vacancies.

Mr. WYLD reminded the right hon. Gentleman the Secretary for the Colonies that the Committee had to inquire into our relations with North America. They had not only to receive evidence with respect to the Hudson's Bay Company, but also to some extent as to the frontier line between the United States and Great Britain, which had not yet been decided, and which extended for 3,600 miles, almost equal to the distance between London and Cabul. He hoped, therefore, that the right hon. Gentleman would place on the Committee such Members as would, from their information and pursuits, be enabled to advise and assist it.

Mr. LABOUCHERE said, he would not ask the House to discuss the names of the Members who were to form the Committee at present, but they would recollect that there were but two vacancies, and that it would be very undesirable to extend the number beyond nineteen. He knew that many Gentlemen had expressed an anxiety to be upon it; and he could only assure the House that he would endeavour to select two names that would be really advantageous to the Committee. The House would hereafter have an opportunity of considering the names of the Members who would be proposed.

Motion *agreed to;* Select Committee *appointed.*

JUDGMENTS EXECUTION BILL.

LEAVE. FIRST READING.

Mr. CRAUFURD moved leave to bring in a Bill to render Judgments or Decreets obtained in certain Courts in England, Scotland, and Ireland respectively, effectual in any other part of the United Kingdom. He should introduce the Amendments proposed last Session by the Attorney General for Ireland, which he trusted would disarm opposition.

Mr. WHITESIDE congratulated the hon. and learned Member on his perseverance in proceeding with the Bill, for defeat seemed to have made no impression upon him. The Bill had been four times debated in the House, and had never been received favourably, and he was rather surprised that the hon. and learned Member should be so proud of it as to trouble the House with it again. He (Mr. Whiteside) would suggest that he should refer it to the Department which was about to be created for the arrangement of the law measures which it was intended to submit to Parliament. He himself had a budget for that Department as soon as it was in operation; but why the hon. and learned Member should insist upon proceeding with the measure again he was at a loss to understand, as it was worth nothing. It would encounter the same opposition as on former occasions, and it would meet the same fate. It would be much better for the hon. Member to put the Bill in the hands of the noble Lord at the head of the Government, who would probably add it to those measures mentioned in the Royal Speech, which had been called sarcastically, as he (Mr. Whiteside) thought, law reform.

Colonel FRENCH said, that the hon. and learned Member's Bill had been not four times, but five times brought before the House; indeed, every Session since the hon. and learned Gentleman had had a seat in the House; and it had been opposed by every Irish Member, except the late Member for Clare, who had lost his seat. The Government ought not to support the introduction of idle measures of this kind, when the time available for the business of the Session was so short.

Mr. BLAND said, he would not oppose the introduction of the Bill, but he would join the hon. Member for Enniskillen in offering every opposition to it.

Leave given.

Bill *ordered* to be brought in by Mr. Craufford and Mr. Dunlop.

Bill *presented*, and read 1°.

House adjourned at half after Six o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 11, 1857.

Minutes.] *Took the Oaths.*—Several Lords.

Sat First in Parliament.—The Earl Amherst, after the Death of his Father; John Lord De Freyne—Was *introduced*, by virtue of a Special Limitation in the Patent dated 5th April, in the Fourteenth Year of Her Majesty's Reign, and sat first in Parliament after the Death of his Brother.

Public Bills.—1ª Probates and Letters of Administration; Divorce and Matrimonial Causes.

CIVIL SERVICE SUPERANNUATION.

PETITIONS.

Earl FORTESCUE *presented* a petition from the Customs Clerks at Dartmouth, in favour of an alteration and amendment of the existing system of Superannuation.

The Earl of ALBEMARLE *presented* a petition to the same effect from the civil servants of the Crown in the Coast-guard Department, Lymington. The noble Earl said, that the history of the Superannuation Fund was this. In 1812 the officers of Customs and Excise had a Superannuation Fund to a considerable amount. The Government of that day quietly abstracted the fund from the civil servants, and gave them in exchange an Act of Parliament, stipulating that they should not be required to contribute towards a Superannuation Fund. Faith was kept till 1822, when, in direct violation of the Act, the Government procured a tax to be levied on the officers of Excise and Customs. In 1824 that tax was repealed, and Parliament reaffirmed the principle laid down in the Act of 1812. The cupidity of the Government was again attracted by the Superannuation Fund in 1828, and in that year a Bill was introduced to re-impose the tax; but Parliament would have nothing to say to it, the Bill was withdrawn, and the Goverment then attempted by a Treasury Minute to supersede law. In 1834 was passed the Act of which the civil servants now with so much justice complained. One of the chief objections to it was that it was partial and unequal in its operation. For example, some of the persons connected with the Treasury were compelled to pay the tax, while others were entirely exempt. The high political, diplomatic, and judicial functionaries did not contribute a single farthing to the fund. He hoped the grievance of the civil servants would be speedily redressed, otherwise both Government and Parliament would expose themselves to the same odious imputation which in old times was cast upon the nobility and clergy—viz. that of exempting themselves and taxing only their plebeian countrymen. The annual tax amounted to £66,000. The sum paid out was £11,000, no portion of the remainder going into the pockets of the civil servants. Since the tax had been levied the total contributions amounted to £900,000. Of that sum the Government had paid away £82,000, leaving a balance due to the civil servants of £818,000. Only one-sixth part of the civil servants derived any benefit from the fund, and many cases might be stated showing the injustice of the tax. For instance, some time ago a landing-waiter died at Southampton before he had attained the age of 60. His contributions to the fund amounted to £200, and yet neither his widow nor any other member of his family received one sixpence. According to the statement of an experienced actuary, if the deceased had laid out the same money on a policy he would have left £350 for his family. In February last year the Government introduced a Bill into the House of Commons which improved the superannuation system, but retained the tax. During the progress of their Bill the Government were met by a petition, and both petition and Bill were referred to a Committee which strongly condemned, in its report, the superannuation impost. A new Bill was brought in, but it was ten times worse than the first. The report laid before the other House abundantly proved that the superannuation pensions had been constantly subjected to revision—five or six times within the last few years; but Sir Charles Trevelyan, Mr. Bromley, and Mr. Stevenson, the persons employed in the revisions, declared that they never contemplated the inequalities so much and so justly complained of in the tax. He trusted their Lordships would give the petition their most favourable consideration.

THE MARQUESS OF CLANRICARDE presented petitions from the Customs Clerks of Devonport Dockyard and Galway to the same purport, and asked whether the Government contemplated an early change of the system. The system upon which the allowances of those persons was regulated was the most unfair, unjust, and unwise that could be well imagined. It was a system which led to improvidence; indeed, he might say it was one which in some cases almost compelled improvidence. The State, he contended, had received a sum totally out of proportion to the money which the civil servants received as superannuation. He submitted that the intention of the Act of 1834 was, not to make money by taxing a certain class of the public officers, but to provide a fund, after the system of insurance offices, by which superannuation allowances should be paid to those who contributed to them. Notwithstanding, it was found on calculation that only one in six, or one in seven, of those who contributed the money really derived any advantage from it. That, he submitted, was of itself a sufficient reason for inquiry into the subject. Surely, if a man was to be taxed to provide a fund for his benefit, he or his family, after a certain length of service on his part, ought to have a certain amount of advantage from that service and that taxation. But it was known that there were men who had contributed to the fund in question and who had afterwards at death to be buried at the expense of their widows, and in some cases of the parish. He thought the more their Lordships had regard to the present system, which had arisen partly from imperfections in the existing legislation, and more from inattention to the subject, the more they would find it deserving of their attention.

Several other noble LORDS presented petitions on the same subject.

EARL GRANVILLE said, there could be no doubt that the subject in question was one of great importance, affecting as it did the interests of a most important body of men in Her Majesty's service; but their Lordships might recollect that it was taken into consideration last autumn by a Commission of their Lordships' House, and he believed the Report of that Commission would be presented within a week from the present time. Of course, it was not the intention of the Government to act on the subject until they had received that Report, and had had an opportunity of considering it.

THE QUEEN'S ANSWER TO THE ADDRESS.

THE LORD CHAMBERLAIN OF THE HOUSEHOLD (the Marquess of Breadalbane) said, he had to inform their Lordships that the Address in answer to Her Majesty's gracious Speech was duly presented and was very graciously received, and it pleased Her Majesty to return the following reply:—

"MY LORDS,

"I thank you for your loyal and dutiful Address, and for your Assurance that you will take into your earnest Consideration the Measures which will be proposed to you. You may rely on My hearty Desire to co-operate with you in promoting the Welfare and Happiness of My People."

SALE OF POISONS AND POISONOUS PUBLICATIONS—QUESTION.

LORD CAMPBELL said, he wished to ask his noble and learned Friend the Lord Chancellor, whether the Government intended to introduce any measure to prevent the indiscriminate sale of poisons? The Secretary of State for the Home Department, he believed, had actively employed himself in gaining information on the subject, and had obtained a great deal of valuable information; and he (Lord Campbell) hoped some measure would be founded on it. He was happy to say that he believed the administration of poison by design had received a check. But, from a trial which had taken place before him on Saturday, he had learned with horror and alarm that a sale of poison more deadly than prussic acid, strichnine, or arsenic—the sale of obscene publications and indecent books—was openly going on. It was not alone indecent books of a high price, which was a sort of check, that were sold, but periodical papers of the most licentious and disgusting description were coming out week by week, and sold to any person who asked for them, and in any numbers. This was a matter which required, in his opinion, the immediate consideration of the Government. He had ever been an enemy to *ex officio* informations for libel, and during the seven years that he had held the office of Attorney General he never advised a single information for libel, except one, that was against Mr. Fergus O'Connor, for exciting the people to sedition; and even in that case, he told the jury not to convict, unless they were satisfied that that was the intention of Mr. O'Connor's publication. He trusted that immediate steps would be taken for stopping the sale of publications of so pestilential a character.

The LORD CHANCELLOR said, that not having read the newspapers of that day he was not aware of the trial which had taken place, and to which his noble and learned Friend referred. But if his noble and learned Friend was right—and he had no doubt he was—in saying that there were places of that depraved character, which gave vent and circulation to publications of that sort, it was quite fitting that the strong arm of the law should be put in motion, and that Government should take steps for that purpose. But he was sure his noble and learned Friend would agree with him that no legislation was necessary, as the law as it stood was quite sufficient to put down publications of that nature; and it was for the Attorney General to enforce that law as he thought fit. It would not be becoming in him to say more on the matter, which was now brought to his attention for the first time. With regard to the sale of poisons, he could assure his noble and learned Friend that the subject had received not only the most careful investigation from his right hon. Friend (Sir G. Grey), but that a Bill had actually been prepared, and would, he believed, in a few days be introduced in the other House, for the purpose of putting down that offence. His noble and learned Friend must be well aware that the difficulties of that subject were very great. However extensive might be the enumeration of poisons, the ingenuity of chemists would speedily introduce others. Then the line which separated poisons from medicines was extremely difficult to define. The whole subject was one of extreme difficulty. The Bill to be brought in would guard not only against the evil of selling poison to persons who intended to make a bad use of them, but there was also a clause guarding, as far as possible, against the sale of poisons incautiously. If the Bill was not likely to remove altogether, he hoped it would materially mitigate, the evil to which his noble and learned Friend referred.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

DIVORCE AND MATRIMONIAL CAUSES BILL.

The LORD CHANCELLOR presented a Bill to amend the Law relating to Probates and Letters of Administration in England; also a Bill to amend the Law relating to Divorce and Matrimonial Causes in England; and moved that they be read a first time. The noble and learned Lord said, that as these Bills were substantially the same as those of last Session, although a few alterations had been introduced in deference to the suggestions of some of their Lordships, he should not trouble the House by entering into any detailed description of their provisions.

Lord CAMPBELL said, that if persons who had to take out probate were to be subjected to a Chancery suit, he should feel it to be his duty to oppose the Bill; and, with regard to the Divorce Bill, if it contained the same clauses as that of last year, permitting the parties to have a voluntary separation at any time they pleased, he should feel it to be his duty to oppose that Bill also.

The LORD CHANCELLOR said, he felt obliged to his noble and learned Friend for giving him an opportunity of explaining what he meant by "a few alterations." The Bills were substantially the same as the Bills of last Session, but several amendments had been made. Amongst others, with regard to the Testamentary Bill he made an alteration, not that he was convinced of the propriety of the observations, but out of deference to the opinion of the House. He therefore separated the proposed Court of Probate in every way, not only from the Court of Chancery, but from every Judge in the Court of Chancery. During the discussion a great many suggestions had been made, some of which he adopted in the Bill. With regard to the Divorce Bill, he had struck out the clauses to which his noble and learned Friend objected, as they met with no great concurrence in any part of their Lordships' House.

Bills severally read 1^a; and to be read 2^a on Monday next.

House adjourned at a Quarter before Six o'clock, till To-morrow, Half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 11, 1857.

Minutes.] Public Bills.—1° General Board of Health; Bankruptcy and Insolvency (Ireland); Ecclesiastical Corporations.
2° Transportation.

CONSUMPTION OF SMOKE.
QUESTION.

Mr. BOWYER wished to ask the Secretary of State for the Home Department whether Her Majesty's Government meant to take measures for the enforcement of the law requiring the owners of manufactories in London to consume their own smoke?

Sir GEORGE GREY said, that during the last six months there had been fifty-four convictions in London for violations of the Act to which the hon. and learned Gentleman referred. But these convictions by no means represented the whole of the steps taken by the authorities for the enforcement of the law, because, when the police found that parties were disposed to make the alterations which the Act required, they abstained from taking further measures, and only those cases were prosecuted where the parties, after representation, refused to comply with the provisions of the Act; so that much more was done in the way of enforcing the law than appeared from the number of convictions.

THE POOR LAW—QUESTION.

Mr. WISE asked the right hon. President of the Poor Law Board whether it was the intention of Her Majesty's Government to introduce any measures to revise the laws relating to the settlement and removal of the poor, or to alter the present mode of raising the rates for the relief of the poor, by distributing the charge over a wider and less variable basis, or otherwise? Secondly, if Her Majesty's Government were not prepared to propose early legislation on these subjects, whether the President of the Poor Law Board would assent to the appointment of a Committee to inquire into the practical operation of the laws for the relief of the poor in England and Wales, and to consider the policy and general effect of all the laws relating to settlement, removal, and parochial assessment?

Mr. BOUVERIE said, in reply to the first question of his hon. Friend, that it was not the intention of Her Majesty's Government to introduce any measure relative to the settlement and removal of the poor during the present Session. With respect to the second question of his hon. Friend, he had to state, that the appointment of such a Committee was a matter rather for the consideration of the House than of a Minister of the Crown; and before he could assent to a Motion to that effect, he should like to hear the arguments on which such a Committee was recommended. He would further observe, that of late years extensive inquiries had been made into this question. A few years ago the subject of removal was very minutely inquired into, and the case, as regarded the Irish an Scotch poor, was also investigated with great care and minuteness. Under these circumstances, and as the House would in all probability have to devote a considerable portion of its time during the present Session to the consideration of election petitions, he was not prepared, as at present advised, to agree to the appointment of such a Committee.

PLACES OF PUBLIC ENTERTAINMENT.
QUESTION.

Mr. BRADY asked the Secretary of State for the Home Department if the

Government proposed introducing any measure this Session for the better regulation of places of public entertainment which are open for the most part after twelve o'clock at night?

SIR GEORGE GREY said, he had no intention of introducing such a measure in the course of the present Session.

THE NEWFOUNDLAND FISHERIES.

QUESTION.

SIR JOHN PAKINGTON, who had presented a petition of the Merchants of St. John's, Newfoundland, praying the House not to assent to give effect to a convention with France, said, he rose to put a question, of which he had given notice, to the right hon. Gentleman the Secretary for the Colonies. He had lately seen a statement in the public newspapers to the effect that, in deference to the very strong objections which were entertained by the Colonial Legislature of Newfoundland to the proposed Convention between Her Majesty's Government and the Emperor of the French upon the subject of the Newfoundland fisheries, it was the intention of the Government not to proceed further with that Convention. He wished to ask the right hon. Gentleman whether that report was correct; and if so, whether he would have any objection to make a public statement to that effect? and also whether Her Majesty's Government had made any communication to the French Government upon the subject?

MR. LABOUCHERE said, he would state exactly what had taken place in the case; but he wished, first of all, to say, that he felt obliged to the right hon. Gentleman for having asked the question, because he had reason to believe that considerable misapprehension had prevailed in the public mind with respect to what had actually taken place in this matter, and the position in which it at present stood. The right hon. Gentleman was aware that questions of a very complicated and embarrassing nature had arisen between the Governments of England and France with regard to fishery rights of the latter country in the waters of Newfoundland, and that these questions arose out of treaties. The two Governments had for several years attempted to arrive by negotiation at a satisfactory solution of the questions, and the Government of this country had also been in constant communication with the colonial authorities upon the point; but unfortunately those communications and negotiations had never led to any satisfactory result. At length an attempt had been made by Her Majesty's Government to arrive at a termination of the difficulty by taking another course; and having had all the facts of the case before them, they had thought the best chance they could have—for it was but a chance—of coming to a resolution that would be satisfactory to the two Governments, was to conclude a convention with France without any previous communication with the colony, while an express stipulation should be inserted in that convention that it should have no effect unless it should be ratified by the colonial legislature. Such a convention had been framed and sent over to Newfoundland; but he was sorry to say, that the result had been that the colony had most unequivocally refused to adopt it, and it had, therefore, of course, become inoperative. Some excitement had undoubtedly prevailed at first in the colony upon the subject from an apprehension that an intention had been formed of over-riding the deliberate opinion of the colonial legislature by the action of the Imperial Parliament. But such an intention had in reality never existed, and that misapprehension having been removed, he was happy to be able to say that by the last accounts he had received from Newfoundland, the Executive Council of the colony had expressed their entire satisfaction with the course which Her Majesty's Government had taken in the matter, and with the respect which had been shown for their constitutional rights and privileges. With regard to the future intentions of the Government, all he could say was, that they would take advantage of any opening which might present a chance of bringing these embarrassing questions to a satisfactory conclusion. On the other hand, however, he would never be a party to any proceeding which could tend to compromise or surrender the rights of the people of Newfoundland, without the full approval and assent of that community, as expressed by their legislature. He had only to add, that it was his intention to lay before the House papers which would show in detail the course which these transactions had taken.

CHURCH RATES—QUESTION.

SIR JOHN TRELAWNY said, he wished to ask the noble Lord at the head of the Government whether it was the intention of Her Majesty's Ministers to introduce early in the present Session a measure with regard to Church rates.

VISCOUNT PALMERSTON: I can only repeat the statement which I made on this subject on a former occasion — namely, that Her Majesty's Government have the matter under their consideration, and that we are not without hope of being able in the present Session to introduce a measure which will be satisfactory to the parties concerned. But I cannot give any more definite answer to the question at the present moment.

SIR JOHN TRELAWNY said, he wished to give notice that unless he could get a more satisfactory and definite answer from the noble Lord, he would bring that subject under the consideration of the House in the course of the next month.

LORDS' COMMISSIONERS' SPEECH—SUPPLY.

Considered; Motion, "That a Supply be granted to Her Majesty."

Committee thereupon *To-morrow.*

SAVINGS BANKS CONSIDERED IN COMMITTEE—RESOLUTION.

Order of the Day for the House to go into Committee on Savings Banks read.

House in Committee accordingly.

VISCOUNT PALMERSTON moved that Mr. FITZROY do take the Chair.

Motion agreed to, *nemine contradicente.*

THE CHANCELLOR OF THE EXCHEQUER: Mr. FitzRoy, I rise for the purpose of moving the formal Resolution of which I have given notice, with a view to introducing in the present Session a Bill which differs in no very material respect from the Bill which I had the honour of submitting to the House in the last Session of Parliament. During the recess that Bill has been submitted to the consideration of the trustees and managers of all the savings banks of the country, and I have had the advantage, since the dissolution of the last Parliament, of numerous communications from their trustees and managers, containing their views upon its probable effect. I rejoice to say, that the great majority are of opinion that the principle of the Bill—namely, the giving a Government guarantee to depositors in savings banks—is beneficial, and ought to be adopted by this House. The principal objection which is made to the measure—and it is one very generally put forward by the trustees and managers—is to a provision which I inserted in the Bill of last Session for limiting the amount of deposits to £100, they think that the amount ought to be left at £200, which is the sum fixed by the existing law. That provision is not necessary in principle to the plan which I had formed, and inasmuch as I have seen that it is very generally objected to, I have had no hesitation in deciding to omit it from the Bill which I hope the House will permit me to introduce this Session. That will be the principal difference between this Bill and the Bill of the last Session. There is, however, a minor point of difference which I may mention. By the 7th clause of the Bill of last Session it was proposed that the price of the funds at which the investments of the Commissioners of Savings Banks are made should be determined by the average of the preceding quarter; whereas I now propose to make it the price of the day on which the investment is made. That is another alteration which has been suggested by the managers and trustees, and I have no difficulty in agreeing to it. With the permission of the Committee I will advert shortly to some other objections which are made to this plan in some quarters. It has been thought that the Bill of last Session imposed an unnecessary amount of restriction on the trustees and managers of these establishments, that it carried too far the principle of centralization, and gave the Government an unnecessary power of interference with the local management of these banks. Inasmuch as the success of the plan which I am about to propose will mainly depend upon the view which the House may take of that part of the question, I am desirous to explain, as briefly as I can, the principles which I have followed in framing the Bill in respect to that portion of the subject. At present the Government is responsible only for the money which is actually remitted by the trustees and lodged in its hands. By the Bill which I am about to introduce, the Government will become responsible for all sums deposited in the banks. That will render the Exchequer of the country liable for a very large sum of money. It will be necessary, therefore, that this House should take care that they do not render the country responsible for the money of the depositors without at the same time taking security against fraud, whereby the money may be intercepted;

and thus saddling the Government with responsibility where they have no sufficient control. I will now state the extent of the alterations which I propose in the present system; and first, as regards the amount of the operations under the present system. At the close of the year 1856 there were no less than 1,339,000 depositors in savings banks, to whom there was due a sum of £34,899,000. In the course of the year there were 1,409,000 deposits and 793,000 withdrawals of money. The amount deposited during the year was £7,740,000, in sums averaging £5 2*s.* 3*d.* each; the amount withdrawn was £8,020,000, in sums averaging £9 19*s.* 4*d.* each; 221,000 new accounts were opened with a deposit in small sums of £2,155,000; 195,000 accounts were closed, and the sum withdrawn was £3,696,000. These figures will show the Committee the magnitude of the operations conducted by the existing savings' banks, and will convince the House of the necessity, if the Government is to assume the responsibility, not only of the money which may come to its hands in London, but also for all the deposits in the local banks, of taking security for the integrity and care of the local officers. That seems to me to be a cardinal principle in any legislation upon this subject. If upon an examination of the Bill which I shall lay before the House it shall be found that any unnecessary securities are taken, or any needless restrictions are imposed, I shall be quite ready to abandon such provisions; but if, as I believe will be the case, it shall appear that I have taken no superfluous securities, have sought to impose no unnecessary restrictions, I trust that the House will, while conferring this boon upon depositors, support me in guarding the interest of the public. If, on the other hand, it should be found that the local authorities, unwilling to part with their own control or to admit my interference on the part of the Government with their local concerns, seek to prevent the insertion in the Bill of the necessary securities, I fear that there will be only one course left to the Government—namely, to abandon the Bill, leave things in their present position and continue a system by which the depositors are left without any securities beyond the assurance of the local officers to the local authorities; while, at the same time, the Government will be left, as now, irresponsible, except for the amount of money which shall be actually lodged in its hands. I trust, however, that it will be found that the plan I propose is a reasonable plan; that it does not, in fact, impose upon the local authorities any shackles of which they can reasonably complain, and that no securities are demanded on behalf of the public beyond what are absolutely necessary. I propose that the appointment and superintendence of the local officers should remain as at present with the local authorities; all that I ask on the part of the public in that respect is, that the Savings Banks Commissioners shall have power to make general regulations as to the duties of these officers, to fix the amount of security to be taken from them, and to possess a power of removing them from unfitness. Some objections have been made to the conditions, a compliance with which it is thought necessary to exact before a savings bank shall be admitted to the benefits of this Bill. That condition—which appears to me to be simple and at the same time indispensable—is that the bank should prove its solvency, and that can only be satisfactorily demonstrated by the production and examination of the books of the depositors. It is said by some that that condition is one which cannot be complied with, but those who make this objection seem to be ignorant of the state of the law in Ireland. In Ireland depositors are required to produce their books every year, and it is found that very many comply with that requirement, and that in some cases as many as ninety per cent of them annually produce their books. According to the plan which I shall propose for the adoption of the House, this operation will have to be gone through only on the first adoption of the bank by the Government; and I cannot see any sufficient reason for supposing that this condition cannot be complied with. I ought to mention that I propose to add to the Bill of last Session a clause providing that no private individual or company shall establish a bank under the simple title of a savings bank. At present it understood that every bank simply denominated a savings bank is a bank established under the Government authority and under the Savings Bank Acts. The trustees of such banks are irresponsible. But inasmuch as after the passing of this Act Government responsibility will be the rule, it is plain that all new savings banks must come within the meaning of the Act. If, therefore, private companies or private individuals are permitted to establish savings banks without any distinctive title, showing that they are not under the public authority, there will be danger that the poorer classes who resort to these banks may be misled and may suffer losses. I shall, therefore, propose the introduction of a clause to prohibit the assumption of the title of "savings banks" by banks not established under the Savings Banks Acts. The right hon. Gentleman then moved to resolve—

"That it is expedient to amend the Laws relating to Savings Banks, and to provide for the establishment of Savings Banks with the Security of the Government."

SIR HENRY WILLOUGHBY said, that when this question was before the last House of Commons upwards of 200 petitions were presented, praying the House would not content itself with merely amending the law, but that they would consolidate it; and as one of the claims put forward by Her Majesty's Government to the confidence of the nation was that it was anxious to improve the state of the law, he trusted that they would in relation to this subject comply with that request. There were already seven statutes upon this subject, out of which they had to pick the law, and if the effect of this Resolution was only to add an eighth to the number it was impossible that any one should understand what were the exact provisions of the law. What the trustees and managers of these institutions desired was, that they should be placed under some clear and intelligible law, in order that they might know what they had to do; any alterations being at the same time made which the House might think desirable for the security of the money in the banks. To the first part of the Resolution he had not the slightest objection—he hoped that the question would be fairly grappled with, and the law amended and settled. But with respect to the second part, which related to the establishment of Government Savings Banks, he thought there would arise considerable discussion. What the savings banks of the United Kingdom would most sturdily resist was any interference on the part of the subordinate functionaries of the National Debt Office. They knew perfectly well that the Commission for the reduction of the National Debt was a mock Commission; that though it contained the names of men high in office, it never met. Those Commissioners never sat, and, in point of fact, the whole of the powers conferred by the statute upon that *ex officio* Commission were wielded by the Chancellor of the Exchequer or by the Comptroller-General and subordinate officers of the National Debt Office. The savings banks objected to such powers being so wielded, and he trusted that the Committee would share that objection. What ought to be done was to consolidate the law relating to savings banks, and not, by allowing the powers conferred by the Act to be exercised by a subordinate department, to tease and perplex the trustees and managers of those banks. He was glad to hear from the right hon. Gentleman his announcement with regard to the reduction in the amount of deposits. He knew himself that in one Bank, the National Provident, of 16,142 accounts the average of each account was only 4*s.* 2*d.* It was the payment upon the higher class of deposits which enabled the banks to meet the expenditure upon the lower class; and if the right hon. Gentleman had persisted in the scheme as regarded the amount of deposit which he first proposed it would have caused great dissatisfaction, and would have compelled many of the smaller banks to close. He would not on the present occasion enter into details, but there was one branch of the subject which he felt bound to bring before the Committee, because he considered that it was of paramount importance as affecting the interests of the State. On the 20th of November, 1855, the amount of money for which the State was liable on account of savings banks was £36,451,041; to meet which liability there were securities to the amount of £31,249,582; so that at that date there was an actual deficiency of £5,201,459. Now, he wished to impress upon the Committee the necessity of considering how that deficiency had arisen. The question had been brought forward in another place by a noble Lord (Lord Monteagle) well versed in financial matters; and as the House was now asked to give the Government new powers as regarded savings banks, which he (Sir H. Willoughby) believed would be injurious to the public credit, it would be well for them to consider the real facts. The noble Lord, to whom he alluded, said, that the powers now exercised by the Treasury over the stock of the savings banks could not be used without danger to the public credit; that it was a practice of no occasional occurrence, but was resorted to day by day; that the millions of stock which they sell was disposed of without any pretence of the demands of the savings banks, but solely to facilitate and promote the financial operations of Downing Street; that if the Chancellor of the Exchequer finds his bills or bonds low and unsaleable, he sells out savings banks stock, invests the proceeds in the depreciated bills or bonds, thus making the whole transaction subservient to his own views as Minister: he buys, and thus gives his securities an unnatural and artificial value—he ceases to buy, and the same securities suffer an artificial depression; that in 1855 the stock sold nominally for savings banks amounted to £3,260,000, and the balance between purchase and sales of Exchequer Bills was £3,063,000 [3 *Hansard*, cxliij. 1190]. A Chancellor of the Exchequer was the last person to whom facilities should be afforded for such gigantic jobbery, and he (Sir H. Willoughby) thought that a system could not be other than a mischievous and inconvenient one under which the Chancellor of the Exchequer might use the money of the savings banks for purposes of State in carrying on operations of finance. In amending the law upon the subject it ought to be considered how such a power had arisen. The original statute affecting savings banks declared that the savings bank money should be treated as a sacred trust, and accumulated upon the principle of compound interest. Subsequent Acts, it was true, gave further powers for the management of that money, but those powers were conferred for the benefit of the depositors alone. He would challenge the Chancellor of the Exchequer to point out any phrase in any Act which gave the Chancellor of the Exchequer the slightest right to use that money in the way in which it had been employed. The powers conferred by those statutes were conferred not upon the Chancellor of the Exchequer, but upon an *ex officio* Commission which never met at all. Now, how had the deficiency to which he had referred increased from half a million to five millions and a quarter? Why, stock had been sold at comparatively low prices to buy Exchequer Bills when approaching or actually at a discount. In 1855 the savings banks paid in £500,000 more than they drew out. £3,000,000 of stock were sold to buy bills and bonds. Towards the close of the war prices were low, and a considerable amount of stock was sold in 1855 and 1856, at prices of 86, 87, 88, and 89, at some future period to be re-invested at a higher price; so a constant deterioration of the capital of savings bank stock was going on, and the natural result was a deficiency which somebody would have to pay. There was, however, another palpable absurdity, which was that under the statute 4th George IV., chap. 92, section 50, there was a power given to the delusive Commission to which he had referred, to fund Exchequer bills, and create new 3 per cent. stock. That power had been largely used by Governments preceding the present Government (for he believed the present Government had not so used the power), and an addition of £10,000,000 to £12,000,000 had been made to the National Debt, and the savings of the people had been turned into an engine for the creation of fresh debt, which, when invested, might again be sold to job in bills and bonds without the knowledge of Parliament; and if, in addition to the existing powers the Chancellor of the Exchequer obtained the powers he now sought, the abuse might go on *ad infinitum*, the National Debt might be doubled, and Parliament and the country exercise no voice in the matter. The law on the subject required amendment and consolidation, and what he desired to see was the savings of the industrious classes carried over to a fund sacred and inviolate. Assuming, then, that the Chancellor of the Exchequer was not in a position to propose a Bill embracing the whole subject connected with savings banks, he should wish to learn from the right hon. Gentleman whether he had any objection to do that which so many of the managers and trustees of those banks had sought at the hands of the Government—namely, to refer the entire question to the consideration of a Select Committee. Such a course appeared to him (Sir H. Willoughby) to be entirely in unison with common sense, and to be calculated to allay the anxiety of the public, who, from the memorials and petitions which had been presented by the Glasgow, the Exeter, and other ably conducted banks, were apt to imagine that there existed some defect in the system by which such enormous deficiencies had been occasioned. The interest paid to the depositors in savings banks was only £2 18*s*. 8*d*. per cent., and that certainly could not be regarded as so exorbitant a rate of payment as to lead to a deficiency of £5,201,000. The amount now deposited in those banks was £36,500,000, while in the year 1828 it had been only £14,750,000. So vast an increase in the sum lodged in those institutions naturally lent to them a proportionately augmented importance; and he was, upon that account, desirous that the Chancellor of the Exchequer should accede to his suggestion of referring the subject to a Select Committee, with a view to dealing with it, subsequent to the inquiry, by means of a clear and well-defined legislative enactment.

MR. H. HERBERT said, he should not trespass upon the time of the Committee by entering upon the financial considerations connected with the subject under their notice. Taking as he did the greatest interest in the question, he had listened with much pleasure to the speech in which his right hon. Friend the Chancellor of the Exchequer had introduced that subject, and the only portion of it to which he felt at all disposed to object was that in which the right hon. Gentleman had expressed some doubt and hesitation as to the opposition which was likely to be raised against that portion of his proposal by which the proceedings of trustees and managers of savings banks were sought to be controlled: and, indeed, judging from what had fallen from the hon. Gentleman opposite (Sir H. Willoughby) he was afraid that considerable opposition would be raised to that part of the measure. Now, he (Mr. Herbert) should mention some circumstances which, in his opinion, were calculated to induce the Committee to look with favour upon a proposition of that character, and to view with a considerable degree of suspicion any representations which might emanate from the trustees and managers of those institutions. He must at the same time be understood as not wishing to make any attack upon the various gentlemen who occupied that position, and to whom in very many instances the public were greatly indebted for the valuable time they had devoted to their duties, and for the admirable manner in which those duties had been performed. The very fact that so large a proportion of the enormous sum invested in these banks was perfectly safe, showed that they did their duty, and deserved well of their fellows. He felt it, however, to be his duty to remind the Committee that large sums of money had in more than one case been lost—large, he meant, to the depositor, though no doubt, small in proportion to the whole amount invested in savings banks. And why, he would ask, had that come to pass? It had been in consequence of the enactment of a measure which had, in the year 1844, been introduced into that House in favour of trustees and managers. Up to that period persons occupying that position had been held personally responsible for every farthing which might have been deposited in the institutions over which they presided. At length one of them—the St. Alban's bank, he thought—failed—and what was the remedy adopted by the House? Why, a remedy which when he spoke of it before, he had characterized as it deserved—namely, as legislation for the rich man at the expense of the poor man—they absolved the trustees and managers of savings banks from all responsibility. The sums deposited in savings banks had so greatly increased, that the Legislature might justly think, that the trustees and managers could no longer be fairly called upon to be personally responsible:—but, instead of adopting a measure like that now proposed by his right hon. Friend, they introduced a Bill which merely absolved trustees and managers from all responsibility, leaving the Government responsible only for the money actually paid over to it. Well, what had been the results by which that course of legislation had been followed? The Act to which he referred was passed at the end of the Session of 1844 without much discussion, and the first intelligence of its existence which reached the depositors was when, upon the failure of some particular bank, they were informed that the trustees and managers were no longer legally responsible for the money which had been confided to their hands, and then they discovered that all the respectable names which had been paraded before them as security for the amount of their deposits operated in reality as little better than decoys to induce them to lodge their earnings in institutions in which there was no substantial guarantee that they would be safe. When, therefore, the hon. Gentleman opposite threatened a strong opposition to that part of the measure which proposed certain restrictions, which he (Mr. Herbert) considered absolutely necessary in regard to the future management of savings banks, these circumstances, he thought, should induce the House to receive all objections in the interest of the trustees with caution—considering that the Government were about to take upon themselves absolute responsibility in respect of the vast sums now invested in the savings banks throughout the kingdom.

Mr. SOTHERON ESTCOURT said, the fact was that the measure to which the hon. Gentleman who had just sat down had alluded was passed when the late Mr. Goulburn was Chancellor of the Exchequer, and the cause of its enactment had been the difficulty which was experienced in the establishment of savings banks, in consequence of the pecuniary liability which attached to those who filled the offices of managers and trustees of those institutions. Had not some such clause been passed exempting trustees and managers from liability, except in so far as they bound themselves in writing, there would have been no trustees at all, and they must have given up savings banks altogether. The fact that this protection had been given to trustees formed an additional claim by the depositors on the Government, and the force of that claim was admitted by the Chancellor of the Exchequer, who, instead of proposing to protect the rich at the expense of the poor, boldly proposed to come forward and take upon the Government of the country that responsibility to which for many years it had been almost universally supposed they were liable. His hon. Friend near him (Sir H. Willoughby) had made a most plausible suggestion, that the Bill about to be introduced should not be added to the Acts of Parliament upon the subject of savings banks which were already in existence, and that no legislation should take place unless the whole of the Acts should be consolidated; and that, in order the more effectually to carry out these views, the whole question should be referred to a Select Committee. Now, he should have been disposed to concur in the proposal of his hon. Friend were it not for the particular nature of the Bill, the merits of which they were engaged in discussing. It was not a Bill by which it was sought to introduce any fresh provisions into the statutes in connection with savings banks already in existence. It was a Bill by which it was proposed to establish a new and distinct system of savings banks; and it was therefore necessary, if the measure were to pass into a law, that they should have one or two years' experience of the mode in which the system acted. Eventually he quite agreed with his hon. Friend that all the statutes relating to these institutions would have to be repealed and the law consolidated, so that any man might turn to one particular statute as containing the code, under the security of which his little savings had been invested. He knew no more of the particular provisions of the Bill that the Chancellor of the Exchequer proposed to introduce than his hon. Friend. But the right hon. Gentleman had told them that the provisions were similar to those laid on the table last Session with a few alterations. One of those alterations he was sorry to hear. Every hon. Gentleman in the House would, he feared, be against him in this respect, but he confessed that he was sorry to hear that the Chancellor of the Exchequer was about to remove from his new Bill that clause which restricted the maximum amount of deposit to £100. As it seemed to him, full provision was made in the former Bill to extend the amount of deposit by any individual, not only to £150, but indefinitely to as large a sum as he chose, by means of the clauses relating to investments. He did not, indeed, think that the withdrawal of that clause would affect the interest of the depositors, but it would leave a larger amount of liability on the part of the Government. His hon. Friend (Sir H. Willoughby) said that of the £36,000,000 of money of the savings banks in the hands of the Government only £31,000,000 could be repaid if the demands were all made at one time. This difference between the amount received by the Government and the amount of stock to the credit of the savings banks was to be accounted for, as he understood, by the fact that the Government undertook to return £100 for every £100 paid in, whatever might be the state of the funds at the time the demand was made upon it. If, therefore, it so happened that the funds sunk 10 per cent after a deposit of £100 had been received and invested in stock, instead of there being £100 to answer the demand that might be made upon the Government, only £90 would be realized on selling out. His hon. Friend (Sir H. Willoughby) thought this Bill would withdraw the power from the managers and trustees of savings banks and concentrate it in the functionaries of the National Debt Office. But when it was remembered that a new principle was to be established, the basis of which was that the Government undertook to be responsible for the repayment of every farthing actually deposited in any savings bank, it must be allowed that to justify it in incurring such a risk it ought to be armed with stringent powers enabling it at any moment to suspend and even to remove any officer against whom there was reasonable ground of suspicion. There were upwards of 500 separate banks, with different officers and under different bodies of trustees; and it was therefore just and necessary that the Government should be authorized to stop the whole proceedings of any bank established under this Bill, and to take possession of all the papers and other documents in the custody of the actuary, should circumstances seem to warrant such an extreme step. In whose hands would his hon. Friend place such a power? He (Mr. Estcourt) had for years held communications, in what he might almost call a public capacity, with Sir Alexander Spearman and Mr. Tidd Pratt, the Comptroller and consulting barrister of the National Debt Office, and he felt convinced that those gentlemen would exercise any powers which might be intrusted to them, not only with integrity, but with discretion and moderation. Sir Alexander Spearman was an old public servant of unblemished reputation, who had greater experience of these matters than probably any other man in the kingdom; and it was impossible to suppose that he could desire gratuitously to act in hostility to the feeling of the local managers and trustees of savings banks. For himself, as a manager of a savings bank, he (Mr. Estcourt) thought his position would be infinitely improved by this Bill. He had never yet attended a meeting in that capacity without feeling how insufficient were the means he had of knowing whether the actuary had *bonâ fide* carried to the ledger every farthing that had been deposited in the bank. Everybody acquainted with savings banks knew that such a check was next to impossible. His poor neighbours went to the bank with their small savings because they saw his name down as one of the trustees; they knew nothing of the government; they regarded his name and the names of other trustees as guarantees for the security of their money. Yet the fact of his name appearing as a trustee did not make him responsible for a single farthing. If this Bill passed, however, he (Mr. Estcourt) would know that for every shilling deposited there was the security of the Government, and he would therefore attend the meetings with very different feelings than he had hitherto done. The Chancellor of the Exchequer had happily re-introduced his Bill of last Session, with certain alterations, most of which were improvements. There was one point on which he wished to offer a suggestion. The conditions upon which the existing banks were to come under the benefit of the provisions of this measure would necessarily be left to the discretion of the National Debt Office. He did not ask the right hon. Gentleman to lay those conditions on the table with a view to their receiving in any way such a sanction as an Act of Parliament would confer. But, as he believed, the only essential condition that need be required of any existing bank which might wish to come under the operation of the Bill should be that it is in a solvent state when it received the security of the Government, it would be satisfactory if the right hon. Gentleman, without pledging the Government to follow any precise conditions, would furnish the House with a general outline of the stipulations on which he meant to insist. In conclusion, he heartily hoped that this measure would be passed into law, because, as he understood its principle, it would give to the poor depositor the security of the Government upon the easiest terms, and would cause the smallest interference with existing management that was compatible with the liability undertaken by the State.

VISCOUNT GODERICH concurred with the hon. Member for Evesham (Sir H. Willoughby) in requesting the Chancellor of the Exchequer to give his best consideration to the proposal for referring this Bill to a Select Committee. It was not alone with a view to the consolidation of the law relating to savings banks that such a reference was desirable, but with a view to ascertain what were the provisions best adapted to carry out the intentions of the Chancellor of the Exchequer. A new principle was to be introduced which met with his cordial approval, but the subject was a difficult and delicate one. The Government wished to encourage the labouring classes to place their savings in these banks; now, these classes were extremely susceptible, and it was necessary that the greatest respect should be paid to their feelings and even to their prejudices. They had also to deal with the directors and trustees of these banks, a body of gentlemen to whom, notwithstanding what had fallen from the hon. Member for Kerry (Mr. H. Herbert), the country was under great obligation for their voluntary and disinterested services, and whose views were entitled to consideration. The managers and trustees of savings banks in Yorkshire, and, he believed, also, in Lancashire, were most anxious for an inquiry into this subject. The right hon. Gentleman would not be pledged to adopt the views of those gentlemen; all that was requisite was that they should have an opportunity of expressing their opinions and of bringing to his aid the results of their experience. There were several other points beyond those which had been adverted to which in their opinion required consideration, and, as the House was about to legislate on the subject, surely it would be desirable to remedy any defects in the existing law which those persons could point out. They were of opinion, for example, that power should be given to invest the funds of savings banks in other securities than those in which at present they could alone be invested—securities which, being equally safe with those where the money was now placed, would afford the inducement of a higher rate of interest, a matter which was of the utmost importance to the working classes at a time when there were so many other institutions, having no security at all, which offered the attractions of a higher interest. He thought that the views of the trustees and managers were entitled to consideration; and although the Session would be a short one he saw no reason why the Bill should not be referred to a Select Committee, and yet become law in the course of the present year.

Mr. T. BARING said, he was inclined to support the Select Committee. So far as he had ascertained the feelings of the managers of savings banks, he did not believe that they objected to any salutary check or control which could be imposed; they had no objection to anything that was reasonable, but they wished the checks to be defined. What they objected to was that there should be a power lodged in any officer of the Government to impose checks at any particular time, with any particular object, and to any particular extent, at his discretion. If the checks were reasonable and defined, there would be, he believed, no opposition; but there would be an objection if power were lodged with the Comptroller of the National Debt to impose checks according to his good pleasure. He (Mr. Baring) had the honour to be acquainted with Sir Alexander Spearman, and he had no doubt that any checks which that gentleman imposed would be perfectly reasonable; but the objection was to the principle of placing that power in the hands of any particular individual. With respect to extending the amount of deposits, he presumed that the object of the House and of the Government was to make these public institutions as useful as possible; but he feared, if the amount were limited to the smaller sum originally proposed, that there would not be sufficient income to defray the cost of management, and he believed that it would be impracticable to carry on the system of savings banks in this country if the amount of the deposits were limited to a very small sum. It was of the utmost importance in institutions of this sort that the depositors should feel that the country was responsible to them for every penny deposited, and they should be enabled to withdraw their money at any time. His hon. Friend the Member for Evesham had alluded to a question which was not altogether connected with this Bill, but which, nevertheless, was a very serious one—namely, whether there should continue to be lodged in the Chancellor of the Exchequer the power of playing with the funds of the depositors in savings banks in a manner which might not be beneficial to those funds considered *per se*, but which might be considered beneficial or necessary to his own financial projects. He thought that that was a very important question, which ought to be considered.

Mr. SLANEY said, he was satisfied that affording a Government security to the depositors in savings banks would prove a great boon to the working classes; and, having been chairman of the Committee which sat last Session upon the investments of the working classes, he knew how earnest their desire was for some such security as the present Bill afforded. Instead of regretting that the right hon. Gentleman had increased the sum which depositors might place in savings banks, he wished that he had extended it even to £500, because he was sure that not only the humbler, but the middle classes also, would gladly avail themselves of these institutions if they could do so. He thought it possible to devise some mode by which, when the deposit amounted to £200, it might be invested in Government securities, and the exact amount deposited paid back when required. He sincerely trusted that the Bill would pass in the present Session; but, if it would not jeopardize its doing so, he should feel inclined to support the proposition for referring it to a Select Committee.

MR. HENLEY said, he was sure that there could be no difference of opinion upon this, that it would be a great boon to depositors to have Government security for every shilling they paid over the counter into the bank; but the difficulty that seemed to arise was, that the Government proposed to set up a great number of new banks. In fact, they would be all new banks under this Bill. And what steps were the Government to take to bring into uniform action with the new ones those 500 old banks in which there was £36,000,000 already deposited? That was the great practical question. The Government were setting up new banks, for they made what conditions they pleased, and appointed what officers they pleased. When he read the Bill last Session, it appeared to him that it was the intention of the Government absolutely to put an end to and do away with all the old banks. What did the Bill say? It said this, that these old banks might come into union with the new banks—or rather be placed on the same *status* as the new banks;—but on what conditions? On such conditions as might be imposed. Therefore these banks were to come into union without knowing what conditions were to be made. They had had one of the conditions stated that night; and what was it? They could come into union on their solvency being ascertained—a very proper condition; but the right hon. Gentleman went on to say that the solvency could not be ascertained unless they had every deposit book produced—and in this he (Mr. Henley) agreed with him—for unless they knew the position of the books of the depositors they could not tell what the real claims were, for the ledgers might be falsified. The right hon. Gentleman said that these old banks should not come into the new order of things unless every depositor's book was produced; but he believed that almost every savings bank had a rule that depositors' books should be produced yearly under penalty of the interest ceasing; yet everybody who knew anything of the working of savings banks knew that you could not get the books in; and if the books did not come in, the old banks would be shut out from the advantages of this Act. What would be the effect when the new banks were established? Paragraphs would appear in the papers saying that the Government security was with one bank and not with another, and there would be an immediate run upon the old banks, because every depositor would, of course, desire to have the Government security. There were £7,000,000 or £8,000,000 paid into the savings banks in a year, and surely it was not a subject unworthy of the attention of the House of Commons, to inquire what would be the particular conditions under which existing banks should come into the new system. He believed that there was no difference of opinion at all that adequate security should be taken by the Government from every bank that desired to come under the operation of the Bill; but it was most reasonable to ask the Government what was the nature of the security to be given, and what were the conditions to be observed? The hon. Member for Wiltshire (Mr. Estcourt) would be content with having the conditions upon the table of the House; but he (Mr. Henley) would rather see them in the Bill, that they might have the opportunity of discussing them. The country had had some experience of a Government official's interference in the affairs of savings banks. The hon. Member for Kerry (who had something to do with savings bank defalcations on the other side of the water) had given the House a lecture about a defalcation at St. Alban's; but he (Mr. H. Herbert) surely could not have forgotten that a Government official was sent to Ireland to inspect the affairs of an Irish savings bank, and that that official's advice (although the bank was insolvent) was "Go on; things will mend." That official was sent over by a tolerably cautious Government—namely, that of the late Sir Robert Peel. But what was the consequence? Things went on from bad to worse. There was a continued ebb, and there was a great resemblance between the conduct of the managers of that savings bank and of those of the Royal British Bank. Finally, he believed that the Chancellor of the Exchequer of the day paid the depositors 10*s*. or 15*s*. in the pound. He thought that they had better have the regulations on the table before them. As to the deposit books, he repeated that they never could be got in, for the depositors put their money in the bank, and then went to all parts of the world. That part of the plan he felt persuaded that the Chancellor of the Exchequer must at all events reconsider. He thought that he would facilitate the passing of this Bill if he sent it to a Select Committee on the question of the conditions on which the old banks were to come in. Of course it would be absolute madness on the part of the Government to make themselves responsible for deposits in cases in which they had not previously exacted proper security; but he believed that the question as to what should be the nature of that security could be best discussed by the Members of that House, whose varied information would be more valuable than that of any single or half-dozen right hon. Gentlemen out of the House. A very important question had been touched on during this discussion. The Chancellor of the Exchequer had stated the great difference that existed between the present funds in the hands of the Government and the amount of their liabilities to the savings banks; but he did not therefore think it was desirable to limit the amount to be deposited. How far it might be wise or not it was not now the time to discuss, but the hon. Member for Wiltshire (Mr. S. Estcourt) had expressed his opinion that all this discrepancy arose from money being paid into the savings banks when the funds are high, and taken out when the funds are low; but, however, they had positive evidence that the market had on more than one occasion been "rigged" by Chancellors of the Exchequer, by dealing with the securities of the savings banks, and when this had been done to a not very limited extent, he thought that it was a question which seriously demanded the attention of the House. They all knew that the Chancellors of the Exchequer had been utterly incapable of using any such powers for any purposes other than what they considered the public interest; but it was not sufficient that they did right; they should be placed in circumstances that people who had not good means of judging would come to a certain conclusion that the Chancellors of the Exchequer did not do wrong. The extensive operations that had taken place in managing those securities did give ground for the supposition, that it had been done to suit some financial scheme of the Government. He thought that it would be a great advantage if this was looked into. He thought that this was a measure that the country had long looked for. Savings bank depositors believed that they had the security of the Government, but the fact was that they had it only in respect of funds deposited with the Government. The Chancellor of the Exchequer now proposed to give that security fully, and it was a matter that ought to be well discussed and considered. The hon. Member for Kerry (Mr. H. Herbert) had overstated the alteration in the law consequent upon the failure in 1844, for he believed that the best legal opinion was, that trustees before then could not be fixed with responsibility unless they could be proved to be personally in fault.

Mr. H. HERBERT said, he rose to explain. The right hon. Gentleman had said that his statement as to the effect of the Act of 1844 was incorrect. In one bank that had failed with which he (Mr. Herbert) was acquainted, Mr. Tidd Pratt had been called upon to adjudicate between the trustees and depositors. Mr. Pratt, instead of dividing the available assets equally between all the depositors, had awarded *20s.* in the pound to those who had deposited previous to August, 1844, leaving only a small balance for those who had deposited money since that period. This he did on the grounds that the Act of 1844 had absolved the trustees from all responsibility. As Mr. Pratt had stated in public that he had consulted the law officers of the Crown before he made these awards, he (Mr. Herbert) thought he was justified in his complaint as to the unfairness of the present law.

Mr. CROSSLEY said, he hoped the Chancellor of the Exchequer would accede to the suggestion which had been made to him, and would refer the whole subject to the consideration of a Select Committee. For several years past there had existed a state of unprecedented prosperity, and yet he believed there had not been a single additional savings bank established; and even, taking the last seven years, more money had been withdrawn from the existing banks than had been deposited with them. These facts showed that some alteration was required in the law which regulated these institutions, and which he did not think the Bill introduced by the Chancellor of the Exchequer in the last Parliament was calculated to effect. There never was among the working classes a greater desire to save money than at present; but the fact was, that throughout the country they found a hundred places of temptation to spend their money, for one where they were invited to save it. He knew of large districts of 10,000 or 15,000 inhabitants, where there was not a single savings bank; they were all placed in the large towns; and even in those cases, they were very frequently open only on one day in the week, and then at hours when it was most inconvenient for the working classes to attend. He was glad to find that the right hon. Gentleman had resolved to give to the money deposited in these banks the important advantage of a Government guarantee; for he thought that the working classes had a right to expect that their hard-earned savings, when deposited in institutions of this kind, should be perfectly safe. One great complaint he had to make against the management of these institutions was, that the money lodged was not invested to the best account. The Commissioners of the National Debt of course had no interest in laying it out to the best advantage. At any rate, the money should not be used in jobbing in various descriptions of stock, as had been described by the hon. Member for Evesham (Sir H. Willoughby). What he should suggest was, that the managers of the savings banks money should invest one-half — say £18,000,000 — on good mortgage security, which, at 4 per cent, would produce an interest over the rate of the funds amounting to £135,000 per annum, which would serve the double purpose of forming an ample reserve fund to provide against any loss that might by possibility arise out of that mode of investment, and would also afford a better rate of interest to be paid to the depositors.

MR. FAGAN said, he thought that the objections of the right hon. Member for Oxfordshire (Mr. Henley) were not well grounded; for the law at present was, that the depositors should produce their books once a year; and, surely, if the country were to be made liable for the solvency of savings banks it was but natural to entrust the Government with some control over them. He thought the proposal of the Chancellor of the Exchequer a very wise one, for he believed that the knowledge that the depositors had the security of Government would go far to increase the desire of saving, and thus stimulate habits of frugality. He believed he spoke the sentiments of those whom he had the honour to represent, who were much interested in this measure, when he said that the Bill of the right hon. Gentleman had his entire approbation. His only regret was, that the limit of deposits was not extended to £500.

THE CHANCELLOR OF THE EXCHEQUER: I have heard with much satisfaction that the Bill which I seek to introduce has met with the approbation of various Gentlemen well acquainted with the subject who have spoken on both sides of the House; and I may refer with peculiar pleasure to the opinion expressed by the hon. Gentleman the Member for North Wiltshire (Mr. Sotheron Estcourt), who is known to have devoted great attention not only to this subject, but to the kindred one of friendly societies, and who, therefore, speaks upon a question of this description with peculiar weight and authority. I am sorry that he does not altogether approve of reducing the limit to £100; but I accept with gratitude the general approbation he has expressed of the measure which I have described. The objections made to the proposal have been of two kinds—one of a strictly practical and pertinent nature, while another set of objections seems to me (though it bears unquestionably on the subject of savings banks) to have very little reference to the measure which I ask leave to introduce. The more important and practical objections are, as is often the case, those made by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley). He seems to me to have laid hold of the practical considerations upon which the fate of this Bill must mainly turn. It is quite true that my object in proposing this measure has not been so much to introduce any new class of savings banks as to suggest means by which existing banks may be brought within the benefit of the Government guarantee; and their admission to that benefit must depend upon the conditions prescribed to their directors. In that view I entirely concur with the right hon. Gentleman, and he is quite entitled to ask what these conditions are to be. He makes a perfectly fair demand when he asks that the House should be informed of these conditions, or even, if possible, that they should be engrafted upon the Bill. On considering, however, the great variety of circumstances which distinguish the different savings banks, I found a difficulty in laying down any imperative rule in the Bill. My object rather has been to avoid those unnecessary restrictions which the inflexible words of an Act of Parliament might enforce, and to leave a reasonable discretion in the Executive authorities in applying the measure to existing banks. That was my object, and it was certainly not to exercise any arbitrary and unnecessary power in this matter. I may state, in general terms, that the only condition which I seek to enforce is, that the Government shall be satisfied of the solvency of the banks. Then the question arises, how is that solvency to be determined? No doubt, the most complete and most conclusive means of ascertaining the solvency is to obtain all the books of the depositors. The right hon. Member says that that is an impossible condition; and if it were so, as *lex non cogit ad impossibilia,* it would not be right that such a condition should be attempted to be enforced. But why is it impossible to obtain the production of the depositors' books? If it be possible to obtain a very large proportion of them—ninety-five per cent, for instance—I contend that that ought to be sufficient security. In Ireland the law has required for some few years back the production of the depositors' books. In the first year out of 21,000 books forty-six per cent were brought to be examined, or not one-half; and in the last year, out of 39,000 books there had been brought in seventy-two per cent, or nearly three-fourths. In 1855 one bank got in ninety-four per cent of the whole of the books, another eighty-three per cent, another seventy-eight per cent, and another ninety-nine per cent. These might be extraordinary cases, but I have stated the result of actual experience, and under the circumstances it is for the House to say whether it is an unreasonable and impossible condition to require, at all events, the production of a considerable proportion of the books. I will attempt, before the second reading, to put in as distinct a form as I can the conditions which I think it necessary should be complied with in order that a bank might have the benefit of the proposed Act, and on the sufficiency of those conditions the further progress of this Bill in the present Session must mainly turn. I now come to the other main practical proposal which has been made—namely, that the Bill should be referred to a Select Committee. It seems to me that the effect of the adoption of that proposal would be really to shelve the Bill for the Session. If the Bill were referred to a Select Committee, and if power were given to the Committee to examine actuaries, members of savings banks, and take other evidence on the subject, I ask whether hon. Members think there would be the slightest prospect of passing the measure during

the present Session? Therefore, if hon. Gentlemen really wish to reject this Bill, let them resort to the direct and fair course of moving on the second reading that it be read that day six months, but let them not attempt to get rid of it by the indirect means of moving that it be referred to a Select Committee. Besides the practical objections I have referred to, other objections which do not apply to this measure particularly, but affect generally the question of savings banks, have been raised by the hon. Member for Evesham (Sir H. Willoughby). The hon. Member first proposes not to amend the law until the existing Acts shall be completely consolidated. I for one fully agree with the hon. Member, that it is desirable to have a consolidation of the existing Acts; but that question is wholly independent of the measure I seek to introduce, which introduces new provisions, but does not alter the existing law; for the last clause provides that all the provisions of the Acts now in force relating to savings banks, as to matters for which no other provision is made by this Act, shall be deemed, as far as the same are not repugnant to or inconsistent with this Act, applicable to any savings bank established under this Act. It may be expedient, after further experience, to consolidate the whole law on this subject into one Statute; but that is a matter wholly independent of the measure now under the consideration of the House. The hon. Member also made some remarks on the Board by which the affairs of the savings banks are administered; but the objections he urged apply just as much to the existing law as to the law modified as proposed by the Bill about to be introduced. They are of a general nature, and have no special reference to the contemplated modifications of the law. The hon. Member says that the present system is a fiction and delusion; that there are Members of the Board who never attend, and that there is no security for the proper administration of the affairs of the savings banks. Now, let me call the attention of the House to the present state of the law. By Acts passed as far back as the time of Mr. Pitt, certain powers were given to Commissioners for the reduction of the National Debt, and, as often is the case with matters of that description, a Board was created with one active and responsible Member, and other nominal Members placed in connection with him to form the Board. The really responsible Member of the Board for the Reduction of the National Debt, to which Board by subsequent Acts the management of the savings banks was entrusted, is the Chancellor of the Exchequer for the time being. In the same Commission there are named certain other officers of State, such as the Master of the Rolls, the Speaker of this House, the Chief Baron of the Exchequer, and others, with whom are associated the Governor and Deputy Governor of the Bank of England. At no time has any one of those persons, with the exception of the Governor and Deputy Governor of the Bank, who attend the quarterly meetings of the Commissioners for the Reduction of the National Debt, been called on to take an active part in the duties imposed on the Commissioners. In like manner the actually responsible member of the Board of Control, which is formed in a similar manner, is the President,—other official members being associated with him, but not being in the habit of attending to the business. The same practice exists with respect to the Board of Trade, and with respect to some other Boards; and, therefore, there is nothing unusual in the course taken in the case referred to by the hon. Member. In respect both to the duties of the Commissioners for the Reduction of the National Debt and to the savings banks, the Chancellor of the Exchequer for the time being is the officer responsible to this House, and he has associated with him the Comptroller of the savings banks, who has the general superintendence of the officers. The Chancellor of the Exchequer, however, is the head of the Board directly responsible to Parliament. Therefore, having considered the remarks made by the hon. Member in a former Session, I have not, looking to the precedent of other Boards, and considering that no practical inconvenience has arisen from the present system, deemed it my duty to propose any alteration of the existing law in that respect. The hon. Member next called attention to a matter which he said was urgent and of serious importance—namely, the loss which has accrued to the Government for a series of years by the management of the funds of the savings banks. It is undoubtedly true as a matter of account that there is a certain sum in which the Government stands debtor to the depositors in the savings banks; and if we could suppose that on one given day all the numerous depositors were to draw out their money the Government would endure a loss; but, unless we suppose such an improbable event, the deficiency of the Government is a mere matter of account or a theoretical question, having no practical bearing on the affairs of the savings banks. My hon. Friend seemed to assume that some loss has been incurred by depositors in consequence of the present state of things. He must be aware that that is not the case. No depositor ever fails to obtain the full amount of his deposit with the interest due to him, and whatever loss could by possibility grow out of the present system could only be incurred in the event of the whole affairs of the savings banks being wound up and a deficiency being established against the Government. My hon. Friend also stated that there was an improper varying of securities, or, as another hon. Member described it, a power in the hands of the Chancellor of the Exchequer "of playing with the funds," and he thought some restriction ought to be imposed on the power now exercised of varying the securities. I can only say, as far as I am myself concerned, that I have not on any occasion exercised the power of funding Exchequer bills, though that power certainly exists by law, and I really cannot see any valid objection to its exercise under certain circumstances: Exchequer bills are just as much Government debt as Three per Cent Consols. The annual vote in supply for paying off Exchequer bills has now become nothing more than a fiction, for the Exchequer bills are renewed with perfect regularity, they have become part of the permanent debt of the country; and, as far as I can see, no valid objection can be raised to the conversion of that portion of the unfunded debt in the hands of the savings banks Commissioners in the form of Exchequer bills into Three per Cent Consols. If the House think fit to impose any restrictions which do not now exist, they must remember that they will deprive the Executive Government of the power of sustaining, on certain occasions, the value of the Government securities, and of preventing depreciations injurious to the public. I confess I can hardly believe it possible—and I do not think the right hon. Gentleman who alluded to the subject intended to make such an imputation—that any Chancellor of the Exchequer would use such a power for personal objects. The House must consider, however, whether upon the whole they think it desirable to deprive the Chancellor of the Exchequer of a power which can be used for the benefit of the public, because, in a possible case, he might use it for his own personal objects; but if Parliament think fit to impose closer restrictions than now exist with respect to the use of savings banks money, they must remember that the Government for the time-being cannot be blamed if they do not make the best bargain for the public with regard to the investment of that money. The two objects are inconsistent with each other. You cannot have the money used to the best advantage and at the same time tie up the hands of the Government by restrictive regulations. The right hon. Gentleman opposite (Mr. Henley) said, in alluding to the case of the Cuffe Street savings bank, that he could not draw a very favourable augury with respect to the superintendence of Government officers when he remembered that Mr. Tidd Pratt, having investigated the affairs of that bank, after discovering that it was in a tottering state, advised the conductors to go on, and that in a short time after the bank failed. The right hon. Gentleman's statement is quite correct, with the exception of one important fact which he has omitted to mention—namely, that Mr. Tidd Pratt advised the conductors to go on, provided they adopted a certain course which he indicated; but they acted only upon one part of his advice, and, unfortunately, did not comply with the other. They kept the bank open, but they did not adopt the course which Mr. Tidd Pratt recommended. I trust the Committee will now agree to the Resolution, in order that I may found upon it a Bill which I shall hereafter introduce.

Mr. HENLEY said, the Chancellor of the Exchequer had made one very startling declaration which he could not refrain from noticing—namely, that the whole of the savings bank money might be jobbed away by the Government to sustain the price of Exchequer bills, or for any other purpose, and yet, that the depositors in savings banks would not lose anything, and the public would not lose anything, unless the whole of the money were asked for at the same moment. That was equivalent to saying, that unless all the money were required at one time there was no loss. But, if such a contingency did occur, the public would have to provide the amount in some way or other.

Sir H. WILLOUGHBY said, he would remind the right hon. Gentleman that the Act constituting the Commission for the reduction of the National Debt, provided, that to constitute a Board there should be "a quorum of three;" and he should like to know how the Chancellor of the Exchequer could consider himself "a quorum of three." If there was any Gentleman to whom he would be willing to commit the uncontrolled command of £34,000,000 it was the present Chancellor of the Exchequer; but, for his own part, he would not trust any man in the United Kingdom with unlimited power over such a sum. Assuming that 600 Government savings banks should be established, he would ask the Committee whether they thought the Chancellor of the Exchequer was the proper person to be intrusted with the mangement of those banks? If any financial difficulty occurred the Chancellor of the Exchequer was the person who most wanted to lay hold of money, and therefore he (Sir H. Willoughby) thought he was the last person to whom a power of this kind ought to be given. The conduct of the functionaries of the National Debt Office with regard to the Cuffe Street bank induced him to object to the control of savings banks being intrusted to them. From 1833 to 1847 they recorded a deficiency in that bank commencing with £3,371 rising to £32,922 in 1847, and which was ascertained to be nearly £60,000 when the accounts were examined, while the assets were only £90; and yet they allowed the bank to be kept open, and to receive deposits, although the law enabled them to close the accounts of the bank. When the question was discussed in Committee, whether that was the fitting department to control savings banks he would mention some other instances of a similar nature.

Motion *agreed to*.

Resolved, "That it is expedient to amend the laws relating to Savings Banks, and to provide for the establishment of Savings Banks with the security of Government."

Resolution to be reported *To-morrow*.
House resumed.

TRANSPORTATION AND PENAL SERVITUDE BILL.

SECOND READING.

Order of the Day for the second reading of the Bill read.

Sir GEORGE GREY: Sir, it will not be necessary, in asking the House to read this Bill a second time, that I should repeat the statements and arguments which

I addressed to the House in February, when I moved for leave to introduce a similar Bill, but it is only respectful to the House that I should describe very briefly the provisions and objects of this measure. It is hardly necessary that I should recall to the recollection of the House the provisions of the Act which was passed in 1853 in consequence of the insuperable difficulties which were then experienced in carrying into effect sentences of transportation. By the provisions of that Act all sentences of transportation for periods less than fourteen years were abolished, and in lieu of such punishment there was substituted the punishment of penal servitude for periods of shorter duration than the corresponding sentences of transportation. The option was left to Judges of passing sentences of transportation or of penal servitude for periods exceeding fourteen years. The present Bill proposes to abolish altogether sentences of transportation, and to place the law relating to sentences of transportation for terms of fourteen years and upwards upon the same footing as sentences for less than that term. But, although the sentence of transportation would be abolished if this Bill passed into a law, I do not intend to forego the advantages, which were available under that system. On the contrary, my proposal will give facilities, which do not now exist, for sending out of the country convicts sentenced to penal servitude after they have undergone a preliminary portion of their punishment in separate imprisonment, and subsequently in associated labour in this country. The next provision, which is in accordance with the recommendation of the Committee which investigated this subject, is that the sentences of penal servitude substituted for sentences of transportation, instead of being of considerably shorter duration than the corresponding sentences of transportation, shall be made co-extensive in duration with those sentences; and that a discretion shall be given to the Court to pass sentences of penal servitude below the former minimum period of transportation — seven years,—but exceeding the ordinary period of imprisonment for two or three years, which might have been inflicted under the previous law; thus allowing the Court to pass sentences of penal servitude for four, five, six, or seven years in lieu of seven years' transportation. The object of this proposition, in short, is to fill up the gap, which now exists between penal servitude and imprisonment. The most important provision, however, is that which removes the obstacle which prevents convicts sentenced to terms of penal servitude being transported to Colonies which may be willing to receive them, and in which are to be found the means of employing and absorbing them. Under the terms of the 6th clause of the Act of 1853 it is very doubtful whether Parliament did not intend to confer upon the Executive Government the power which I now ask it distinctly to create. So doubtful was it that, upon a question arising whether sentences of penal servitude could be carried out in Western Australia, the law officers took a very considerable time before they arrived at the conclusion that under the existing law it was not competent for the Government to send convicts under sentence of penal servitude to the colony of Western Australia. The particular clause of the Act of 1853 is the 6th, which runs as follows—

> "Every Person who under this Act shall be sentenced or ordered to be kept in Penal Servitude may, during the Term of the Sentence or Order, be confined in any such Prison or Place of Confinement in any Part of the United Kingdom, or in any River, Port, or Harbour of the United Kingdom, in which Persons under Sentence or Order of Transportation may now by Law be confined, or in any other Prison in the United Kingdom, or in any part of Her Majesty's Dominions beyond the Seas, or in any Port or Harbour thereof, as one of Her Majesty's Principal Secretaries of State may from time to time direct; and such Person may during such Term be kept to Hard Labour and otherwise dealt with in all respects as Persons sentenced to Transportation may now by Law be dealt with while so confined.

After a lengthened and careful consideration, the law officers reported their opinion that, under that clause, it was not competent for the Government to carry sentences of penal servitude into effect in Western Australia subject to the same conditions as sentences of transportation, and, if those conditions were wanting, all advantage from sending out convicts would be lost. At present, under this clause convicts may be sent to Western Australia, or any other colony willing to receive them, but when there, those persons could only be treated as they would be at home, or when employed upon the public works at Chatham, Portsmouth, Portland, or at Gibraltar and Bermuda. As soon as the convict ceased to be actually confined or employed in compulsory labour, he must be removed from the colony, and thus all the advantages of transportation would be altogether lost; the benefit to this country arising from the removal of offenders, the advantage to the colony from a supply of useful labour, and the advantage to the convicts of affording them a chance of re-commencing life in a new country, removed from the vicious associations of their former career, would be completely lost under the present law. There are at present abundant means in this country of employing convicts during that period of their sentence, when it is possible to employ them upon public works. The demands for Chatham, Portland, and Portsmouth, in addition to the convict settlements of Bermuda and Gibraltar, have been more than we can supply, and we have been unable to select such a number of convicts who, from age and physical ability, are capable of being employed upon public works as would meet the demands of the Admiralty and the Board of Ordnance. The difficulty is not how to deal with convicts during the earlier part of their punishment, while under strict confinement or employed upon public works; but it arises when the strictness of the discipline is to be relaxed, and opportunity is to be afforded to the criminal to re-enter upon life with a chance of becoming a better member of society. The object of a provision in the Bill which I now ask this House to read a second time, is to remove the obstacle which now exists to sending out convicts under sentences of penal servitude to Western Australia, or to any other Colony the inhabitants of which may be willing to receive them, and in which the proper means of employment for them are to be found. The Committee of the House of Lords specially recommended that we should revert to the former system of selection, with a view of sending to Western Australia a class of convicts whose removal would benefit this country, and at the same time confer an advantage upon the colony, which required their labour. It is impossible under the existing law to do so, as the convicts sentenced to transportation are sentenced to long terms in consequence of their heavy or repeated crimes, and the number sentenced to these long periods of transportation are very few in number. It will be recollected that when I introduced this Bill last Session I stated that such had been the effect of the Act of 1853. The number of convicts in the United Kingdom sentenced to transportation in 1852, the year before that Act was passed, was no less than 4,307, while in 1855 it fell to 409. Of the latter number all have been sentenced to fourteen years' punishment or upwards, but many of them from age and other circumstances are physically unfit for transportation. The number of convicts sentenced to penal servitude in 1855 was 2,700, who must be discharged in this country upon the expiration of their sentences. The provision of this Bill will enable the Government, out of the convicts sentenced, to select those who, from their age, physical capacity, and other circumstances—such as the nature of the crimes of which they have been convicted, and the term of their sentence—are fit to be removed to Western Australia or any other colony which may be found willing to receive them, and to avail itself of any facilities that may from time to time exist for sending them, after a certain period of imprisonment here, to a penal colony, there to undergo the remainder of the sentence in compulsory labour, but with a prospect that after a time they may, by good conduct, obtain some relaxation of that sentence, and be afforded the opportunity, if they choose to avail themselves of it, of becoming useful members of society in the colony. There is one objection which I upon a former occasion said I expected would be made to this proposal, and it has been made. It is said you will produce uncertainty as to the execution of your sentences, and that if of the men sentenced to penal servitude, some work out their period of punishment at home, while others are sent abroad to a penal colony, there will arise uncertainty as to the effect of the sentence, which I admit it is desirable, if possible, to avoid. I cannot say there will be no uncertainty, but I do say that if we desire to have absolute certainty in our sentences we must absolutely forego any system of transportation—meaning thereby removal from this country. If we are to adhere to the system of transportation as a punishment we must adopt the principle of selection, such selection being determined not only by the age and physical condition of the convicts—but by a circumstance, which must vary from time to time—namely, the facility existing at any given time for the absorption of convicts in a colony. I said upon the former occasion this objection was not new. I admit it is an objection, and one which I should be glad to obviate, if I could do so without sacrificing the great advantages arising from the removal of convicts from this country. I say, however, that the objection applies quite as much to the former system of transportation, as to that which will exist under this Bill if it becomes law. Upon the former occasion, when I brought forward this measure, I stated to the House that the practice formerly was not to send out of the country convicts who were sentenced only to seven years' transportation—those persons serving a certain portion, usually one-half, of their punishment in this country, and then, if well-behaved, receiving their discharge here. I was reminded by the right hon. Gentleman opposite that there was a Resolution of this House condemning that practice, in consequence of which the Government endeavoured to send out all convicts to Van Diemen's Land and New South Wales instead of retaining them in this country. The greatly-increased number of convicts thus sent from this country overwhelmed the colonies, and led to the total break-down of the system under an attempt to introduce the element of absolute certainty into our sentences. But even while the Government were endeavouring to carry out the Resolution of the House, the fact was that all convicts were not sent abroad. I find the total number of convicts in Great Britain sentenced to transportation during the ten years from 1843 to 1852 inclusive—I stop there, as 1852 was the last year previous to the alteration of the law—was 31,020, of whom only 22,322 were actually sent abroad, leaving a balance of 8,698, who, although sentenced to transportation, yet underwent their punishments in this country. In Ireland, during the same period, there were sentenced to transportation 12,631 men and 3,460 women, making a total of 16,091. Of these there were actually transported only 4,710 men, and 3,038, nearly the whole, of the women, leaving 8,243 convicts, of whom 7,921 were men who were retained in Ireland. There was, therefore, taking the United Kingdom altogether in the ten years I have mentioned, a difference of 17,041 between the numbers of those sentenced to transportation and of those who actually were sent abroad. I quote these figures to show that, practically, uncertainty characterized the former system quite as much as it is likely to do with reference to the proposed plan. Indeed, I think there was more uncertainty formerly, because the sentences then pronounced being sentences of transportation could not be fully carried into effect without the actual removal of the convicts from this country, while the sentences which I propose to substitute, being sentences of penal servitude, can be carried into effect either here or abroad. I have thus gone over the provisions of the Bill, and trust that they will meet the approbation of the House. With regard to the manner of carrying the sentence into effect, it is manifest that the discretion must rest with the Executive Government, and not with the Judge. It is impossible the Judge can know, at the time when he passes the sentence, whether a man before him is a fit person to be sent to a distant colony; nor can he know what demand may exist at the time for such description of persons in any particular colony, or the various other circumstances which must aid in determining whether the convict ought to be sent abroad or detained at home. It is from no distrust of the Judges that I say this. The most ample discretion should be vested in them in determining what the length of the sentence should be, but it is the impossibility of investing them with the knowledge and information necessary to enable them to decide when transportation should take place, and when it should not, that renders it necessary to leave the decision with the Government. On this occasion I do not wish to enter into the question—which has been fully discussed at a former period—of tickets of leave. The Bill leaves the law exactly as it now is; but the number of convicts under sentence of transportation, and who can be dealt with as the system is now administered, is very much reduced. In lengthening sentences of penal servitude, so as to make them correspond with sentences of transportation, we have in view the adoption of the system recommended by the Committee of this House, which thought it desirable that a stimulus to good conduct should be held out to convicts under sentence, in the prospect of a remission of part of the term of punishment. I do not want to enter upon that question on the present occasion, though, perhaps, it may be raised in Committee, but to the principle I am prepared to give my concurrence, believing that the opinion of the Committee of this House is entitled to great weight. At the same time I think that, while the remission of the remainder of a sentence by means of a ticket of leave is a power that ought to be retained, the general rule ought to be an absolute remission rather than a qualified one. Gentlemen may have observed in the Bill now on the table some alterations as compared with the one which I introduced into the last Parliament. Those alterations are not material, and are intended to clear up certain points on which there existed some doubt — as, for example, in the second clause, in which reference is made to the power of the Court to sentence under the former law either to imprisonment or to a period of transportation. The clause has been framed so as to adapt this power to "penal servitude." And the fifth clause has been added, namely—

> "Where in any enactment now in force the expression 'any crime punishable with transportation,' or 'any crime punishable by law with transportation,' or any expression of the like import, is used, the enactment shall be construed and take effect as applicable also to any crime punishable with penal servitude."

There are Acts imposing certain penalties upon persons threatening others with crimes punishable with transportation which had been overlooked in the Act of 1853, and which it is necessary to extend to the punishment provided by this Bill; and there are also restrictions on sentences of transportation passed by certain courts, which ought to apply equally to corresponding sentences of penal servitude. With these exceptions, I may repeat that the main features of the Bill are identical with those of the measure which I formerly introduced. I trust the House is satisfied with the explanation which I have endeavoured to give, and I now move that the Bill be read a second time.

Moved, That the Bill be now read 2°.

Mr. BENTINCK moved as an Amendment that the Bill be read a second time that day six months. He could assure the right hon. Baronet that he brought forward his Amendment in no spirit of hostility to the Bill, and in common with the rest of the House he admitted the great attention which the right hon. Gentleman had paid to the subject, and the great ability with which he had dealt with it; but he took this method of introducing his own views to the notice of the House, being opposed *in toto* to the principle of transportation. There were three great objects to be attained in dealing with the question before them—first, to protect society by the prevention of crime; secondly, to effect as far as possible the reformation of offenders; and, thirdly, to deal with the subject with the utmost regard to economy. Now, with regard to the first of these objects—the protection of society—he believed it would be more likely to be attained if the punishment consequent on crime was carried out nearer home, and brought more under the observation of those who were disposed to transgress against the laws. If he might so express himself, the deterring influence of punishment was now mystified by distance, and those who were disposed to transgress had a very vague and indistinct idea of the punishment to which they would be subjected, and this uncertainty diminished that salutary dread which all punishment ought to carry with it. This effect would be obviated if the punishment was carried out in their own neighbourhood. The next point was the reformation of offenders. It was unnecessary to refer to the horrid system of iniquity and disgusting depravity which existed in Norfolk Island and our other penal settlements abroad; and surely such places were not calculated to bring about a process of reformation. On the contrary, they must tend to demoralize the unhappy persons consigned to them. As to the third point, that of economy, he believed that if a different system were adopted the convicts might be made, if not remunerative, at least able to pay their own expenses. He should like to see transportation done away with, and a system of penal settlements established within the four seas of Great Britain. One, or two, or more places, might be selected admirably adapted for the purpose, and if established on a proper system, the labour of the men, women, and children confined in them would not only serve to defray the whole expense incurred, but would in many other ways be beneficial and useful to society. It would be premature in him to mention localities adapted to the purpose, but he did not think much difficulty need be experienced in making a selection. The great gain in the first place would be that the convicts would be under a proper supervision, and that the objection to penal settlements abroad—that they were such scenes of crime—would be avoided. With regard to the financial part of the question, he did not think he was too sanguine when he stated his belief that the whole expense now incurred would be saved; but, at all events, a part of the expenditure would most certainly be saved. At present convict labour was almost, or entirely thrown away. It was of no advantage to the community, and it would surely be a great gain if, by the compulsory labour of this class on useful works, a great pecuniary advantage was conferred upon the country. He admitted there was one objection to the system he proposed, and he had stated it on a former occasion—namely, that there was an unfortunate tendency in this country, among a certain portion of the population, to entertain a feeling of maudlin humanity towards a man who had committed a crime; the moment a man became a malefactor one might almost imagine he was held entitled to become a martyr. Probably the right hon. Baronet was only too well aware how numerous were the applications for commutations of punishment in such instances. He was, therefore, quite ready to admit that that peculiar sympathetic feeling might render the carrying out of a system of home penal settlements somewhat difficult; still he thought the difficulty might be got over by the Government determining not to listen to applications for alterations of sentences. Surely a man who had brought himself within the ban of the laws of his country was bound to contribute to the resources of the country by any labour of which he was capable. But not only might a convict thus be made to pay his own expenses, but his labour might be turned to account in the construction of great public works—such as harbours of refuge, coast defences, and other works of great national value—which were so much needed, and which would never be carried out without some such assistance as this. Two-thirds of the expense of these works, it was said, consisted in the cost of labour, and if convict labour were employed the want of funds, which was always the argument advanced against the commencement of them, would be got over. It was needless to point out the great advantage which such works would confer on the country. There were several places in which the construction of harbours of refuge would be the saving of an immense amount of life and property annually, and without the aid of convict labour it was hopeless to expect that any such works would ever be undertaken. There was another question, which related to the disposal of the convicts at the termination of their sentences. There might be a system provided by which every man might at such termination, be provided with work by the Government, which would enable him to save money, and then to leave the country as a free emigrant. There was, again, the question whether the Government was to have the power of selecting who were to go out and who were to remain in the country, which was connected with another difficulty raised by the Home Secretary, that of deciding what men were by their physical capacity fitted to be sent abroad and which ought to be kept at home, and it would have the further advantage also of abolishing the ticket-of-leave system, which he was glad to hear was falling into disuse. It was impossible to say that the Home Office should not have the power of remitting punishment in certain cases, but the power ought to be exercised with great reserve, and only in cases where there had been miscarriage of justice or where new facts had been discovered. One of the greatest evils in the present system was the uncertainty of punishment; and to make it perfectly certain that an offender, except in such cases as he had just named, would receive the full amount of the punishment to which he was sentenced on his conviction, would do more than anything else to deter from crime. His plan would have the effect of saving a large amount of expenditure; it would lead to a better state of things for the future, and it would also enable the counntry to undertake the construction of important public works which were much needed and which could not be hoped for without convict labour; and the objections, therefore, which he had urged to the Bill were, he submitted, worthy of consideration. The notice which he had put on the paper was not meant in a spirit of hostility to the Bill. He approved its principle, but it did not go far enough, nor did he think that it could be sufficiently amended in Committee to meet the views which he had laid down. The hon. Gentleman concluded by moving that the Bill be read a second time that day six months.

The Motion not being seconded,

MR. ROEBUCK said that, as the Amendment did not appear to have found a seconder, he presumed that it had fallen to the ground, and he should therefore address himself entirely to the Speech of the Home Secretary. The right hon. Gentleman had not touched the real difficulty of the case. He had found a certain legal difficulty in dealing with convicts, and to avoid that he brought in the present Bill. With the convict we could deal in any way we chose, but when he ceased to be a convict we threw him on the world, and he had to deal with what he found in that world. In England we had plenty of labour, but the great cause of crime was the difficulty of finding employment. If everybody could find employment who wanted it, the amount of crime in this country would not be so great as it was, and the number of convicts would be far smaller. But though employment was not to be found, the labourer was; and the difficulty was increased by the circumstance that tainted labourers could not find employment. A man who had been convicted, who had gone through penal servitude, came out upon society a branded man. He was driven, therefore, in actual self-defence, to the very crime for which he had been convicted. He was shunned by everybody; if he lived in a town, he was followed from street to street by the policeman; if he lived in the country, everybody knew that he had been a convict. Nobody would use his labour, and he must either starve or steal, and with those two alternatives before him, there was little doubt which he would choose. The difficulty lay not with the convict, while he was a convict, but in dealing with him after he had ceased to be a convict. There were two sets of circumstances to be considered—those which affected the convict in this country, and those which affected the convict in the Colonies. He would first allude to the Colonies. All our Colonies, with the exception of West Australia, had determined to receive no more convicts; and some of them—Victoria and New South Wales for instance—had gone so far as to say that no man who had been a convict should come among them at all. Cases of great hardship had been laid before that House, where people who had been forty years in Van Diemen's Land, having gone there as convicts, had been excluded from Melbourne because they were convicts, though they had lived many years in the town. He would suppose a man sentenced to one of those penal settlements referred to by the hon. Gentleman opposite. What was he to do when liberated? Nobody would employ him. The man must steal in order to save himself from starvation. Well, he does steal; he comes back—he is re-convicted, and goes back to penal servitude again. Such a man was in fact condemned for life. Society would not bear him. You make him a convict—you brand him as a felon. Once a convict always a convict, and the man must continue a thief until the gallows ended his career. It had been said that we might make penal servitude in England for life. He appealed to every Gentleman if that were possible. Penal servitude for life was so shocking to our feelings that compassion would be excited immediately for any man thus condemned, and we should have a criminal the object of all that morbid sentimentality which had been so severely and so justly censured by the hon. Gentleman opposite. But you had convicts who were practically convicts for life when once they had been convicted. You could not send them abroad—and you could not sentence them to imprisonment for life. What were you to do? Well, he (Mr. Roebuck) thought there was only one course which, under the circumstances, it would be wise to pursue—namely, to find out some uninhabited part of the globe which could receive our penal population. Let them take, for example, an island in the South Seas, which would be quite far enough to prevent the possibility of escape. He was now going to make a statement which he was afraid would shock the House. The circumstance which created our difficulties was to find employment for our convicts after they had undergone their term of imprisonment. He therefore said, let transportation in every case be transportation for life. When once a man was sent from this country, never let him return again. A man could not hope to come back with a character which would find him employment, and, therefore, when once he had committed a crime which brought upon him the punishment of transportation, let that transportation be for life. It was not necessary that the punishment should be the same in all cases. All transportation should be for life, but the term of penal servitude should vary. Thus, if a man committed a great crime he should be condemned to transportation for life, but to penal servitude for fifteen years. The man who committed a crime of less magnitude should be condemned to transportation for life, but to penal servitude for seven years. He would first of all send the convict to a penal servitude, and would then put him under the "surveillance" of a body of men who should control his labour. What was it that induced the House to give up the system of transportation? It was done, he believed, at the instance of the late Sir William Molesworth, who obtained a Committee to inquire into the subject, and the evidence produced before that Committee brought forth such an amount of horrible atrocities committed in our penal settlements as shocked the feelings of the people, leading to the belief that we were sowing broadcast crime in all its shapes. This was a thing which England ought not to do, and therefore the House, in the hurry of the moment withdrew the system of transportation. All the crimes in question arose from one cause. In dealing with this question, he hoped the House would not think he was doing so without the gravest consideration. What was the cause of those crimes? It was the absence of women from the penal settlements, and, therefore, in order to prevent the recurrence of the horrors which were laid before the Committee, he would in every case of women being sentenced to transportation, transport them. Penal servitude in England, as had been remarked, was liable to the same abuse if men were congregated together as they were at Norfolk Island. The only way to prevent it was by mixing in equal, or very nearly equal, proportions the two sexes, and that object he would effect by transporting every woman condemned to transportation. Thus he provided for the punishment of the criminal by subjecting him to penal servitude for a certain time. Having undergone that penal servitude in England, he would be thrown upon society. We all knew what had been the consequence of such a system. Society had been horrified and frightened by the uncertainty of life and property created by the ticket-of-leave men throughout the country, and the terror had proceeded so far that people had been afraid during the late winter of walking through the streets of London. To avoid that he would take the criminal population entirely away from England; he would subject them, in the first instance, to a term of penal servitude, he would make them go through the whole of that servitude, and then he would take them, not to any of our existing colonies, but to some new spot yet untouched by human adventure, where they might prove, as the same classes had done before, the beginning of a great empire. It would be invidious to point out particular instances, but it had been our fate to spread the English race abroad by means of our convict population, and what had once been done could be done again. So far from dealing with the question as the Home Secretary proposed to deal with it, he would alter the whole law, and, instead of not having recourse to transportation, he would have recourse to it in a greater number of cases than before. He would transport in every case for life—in the first place, to a penal colony, and thence to a spot where the criminal could provide for himself. Such appeared to him to be a course which the House might safely and beneficially pursue, and one far superior in statesmanlike character, to that peddling with difficulties which the right hon. Baronet had submitted for their consideration.

Sir JOHN PAKINGTON: I cannot agree, Sir, with the hon. and learned Gentleman, the Member for Sheffield, that the want of work is the main cause of crime in England — on the contrary, I believe that the two great causes of crime are, firstly, ignorance, and secondly, drunkenness. Nor can I agree with the hon. and learned Gentleman that the principal point we have to consider is how to deal with our criminals after their punishment ceases. No doubt that is a most important matter; and one to which we are bound to give attention; but the Bill before us is founded upon the avowed difficulty of treating our convicts during that period in which the interests of society require that they should in some manner be penally dealt with. My hon. Friend behind me (Mr. Bentinck) called this a dull subject. It doubtless is so, but it is also one of the highest social importance, as well as one of extreme difficulty, and it is our duty to help the Government in dealing with an evil of such magnitude. I am afraid that the hon. and learned Member for Sheffield will not help us much by his plan, which, as I understand it, deals with convicts by transporting them for life, and sending them all to some new spot in the world not yet discovered —— [Mr. Roebuck: Not discovered?] Not yet settled, then; or, at any rate, on which the hon. and learned Gentleman had not yet determined. The hon. and learned Gentleman cannot mean seriously that every one of the large class of men whose interests were involved in the Bill before the House should be transported for life; nor could he mean to introduce something like the old Spartan law, which held that the smallest crimes deserved death, and that no other punishment could be inflicted for the greatest.

Mr. ROEBUCK: I said that every person subjected to transportation should be transported for life.

Sir JOHN PAKINGTON: I am sorry to say that, practically, that has been the case during the whole period for which we have carried out sentences of transportation. It is not to the credit of this country that, although our courts have sentenced criminals to be transported for periods of only seven years, the Government has never brought home any transported convicts from the colonies to which they have been sent after their period of punishment had expired. The hon. and learned Gentleman, in arraigning this Bill, says that we ought to fix upon some new spot to which convicts may be transported. Will he go a step further and tell us where such spot is to be found? A short time since I entertained an opinion similar to that of the hon. and learned Gentleman, and I thought it most desirable that Her Majesty's Government should select some distant part of the Queen's dominions in which a new penal settlement might be founded; but I have gradually and inevitably been brought to the conclusion that the difficulty of finding any such place is so great that this scheme must be abandoned. Although I have for some years considered this subject, and a few years ago had my attention officially directed to it, I have only heard of four places in which it was supposed to be possible to establish a new penal colony. One is the northern coast of Australia, to which I myself at one time very much inclined; but the space intervening between the northern part of Australia and the settled portions of New South Wales is so small that, when that fact is considered in connection with the disadvantages arising from the tropical climate, I believe the Government are perfectly right in abandoning the idea of sending convicts there. The Falkland Islands are another place which is mentioned, but there there is so little means of employment, the soil is so bad and the climate so unfavourable, and the islands are so near to America, where great jealousy of a convict settlement would be entertained, that I think it would not be discreet to send convicts to that colony. Vancouver's Island, another place which has been suggested, is open to the same objection, in addition to that which arises from its neighbourhood to the gold fields of California. The fourth place mentioned is the Hudson's Bay territory. There again the climate constitutes a very great objection, and I think that both our own North American Colonies, the Canadas, and the United States would be greatly offended by the establishment of a penal settlement in that territory. I have mentioned these places, in order to remove from the minds of Gentlemen who may have been carried away by the speech of the hon. and learned Gentleman the idea that it is so easy as he supposes to find in Her Majesty's dominions a place where it would be safe or prudent to establish such a colony as he proposes. These are the difficulties under which Her Majesty's Government have felt themselves compelled to deal with this subject; and it has given me much satisfaction to find them pressing forward this Bill as soon as possible after the meeting of the new Parliament. I certainly cannot support my hon. Friend behind me (Mr. Bentinck) in objecting to this measure. There is a great deal of truth in what he said, but I heard nothing from him which supported any objection to this particular Bill. It seems to me that his observations from first to last were founded very much upon the views which have been urged with great ability by Mr. Charles Pearson, the City Solicitor, who was some years ago a Member of this House, and who has with great labour and great ability suggested and arranged plans for large district prisons, which he thinks might with advantage be established. He urged these views upon the Prison Discipline Committee a few years ago. That committee reported very much in favour of his plans, and I think I may say that the existing establishments at Portland and Dartmoor were founded very much upon the principles recommended by Mr. Pearson. Therefore, while I concur very much with these views, I cannot agree with my hon. Friend that they constitute any objection to the plan proposed by the Government, which, in a great degree, seeks to deal with a different class of criminals from those who would become inmates of such establishments as he recommends. The Bill corrects what I have frequently given my opinion was a great fault and defect in the Bill of the noble Lord opposite introduced in 1853—namely, that the sentences of penal servitude imposed by that Act were so short as not to be fair equivalents for the periods of transportation for which they were substituted. This Bill corrects that defect by enabling Judges to pass sentences of penal servitude identical as to the length of time with the periods of transportation which they are to supersede. This great improvement in criminal law is founded upon the report of the House of Commons Committee which sat last year, and so far from objecting to it, I accept it with thanks from the Government. Another great objection to the present state of the law is the want of an intermediate sentence between two years' imprisonment, which was practically our maximum, and seven years' transportation or penal servitude. Here again the Bill adopts a recommendation of the Committee, and enables Judges to sentence prisoners to four years' penal servitude. I will only suggest to the right hon. Gentleman that the scale of punishment would be more complete if he would go a step lower, and make the minimum period of penal servitude three years instead of four. Perhaps the right hon. Baronet (Sir George Grey) will be kind enough to consider the point. So far I have spoken only in terms of approbation of this Bill; but I now come to a matter which seems to me unnecessarily to introduce an increased element of uncertainty into our punishments, and about which, therefore, I feel great and serious doubt. Construing the Bill with the spirit with which the right hon. Baronet (Sir G. Grey) originally introduced it, I infer from it that practically the Government contemplate a very considerable increase of the punishment of transportation. I apprehend that the intention of the Government is, acting, as the right hon. Gentleman has said, upon some principle of selection, that a much larger number of convicts should be sent abroad than has recently been the case; and simultaneously with this practical increase of transportation the right hon. Gentleman entirely does away with the sentence of transportation. One of the greatest evils there can be in a system of punishment for crime is uncertainty as to what the punishment means; but hereafter, under this law, when a Judge sentences a man to ten years' penal servitude, neither the Judge who pronounces the sentence, nor the public, nor the prisoner, will know whether the man is to remain close to his friends in England, or to be sent to Gibraltar, Bermuda, or Western Australia, from the latter of which it is probable he will never return. The right hon. Baronet (Sir G. Grey), in his speech to-night, said that this element of uncertainty always existed — that although sentence of transportation was passed it was not always carried out. Undoubtedly there were cases of illness, infirmity, or age, in which convicts were not sent abroad, but these were exceptions: the rule was transportation.

Sir GEORGE GREY: The only cases in which transportation was not carried out were those in which the sentence was only for seven years.

Sir JOHN PAKINGTON: I think that the period at which these exceptions were made was that in which the right hon. Baronet the Member for Carlisle (Sir J. Graham) presided at the Home Office. The right hon. Gentleman stated on a previous occasion that it was never the practice to send abroad persons sentenced only to seven years' transportation. He has this evening candidly admitted that that system was much complained of, and that after a Resolution passed by this House in 1841 that practice was corrected, and transportation went on until Van Diemen's Land was flooded with convicts. Transportation then ceased altogether for a time. After two years it was renewed. It was renewed for convicts sentenced to seven years' transportation quite as much as for convicts sentenced to a longer period, and again it became the general rule that all persons sentenced to transportation were transported. The cases in which they were not transported were exceptional, and therefore the right hon. Gentleman is not justified in founding any argument upon that exceptional practice. It is no justification for the great change which is now proposed of increasing transportation, while doing away with the name of transportation, whereby the public will not know what penal servitude means, or where that punishment is inflicted. I think the right hon. Gentleman would have done better if he had acted upon the 4th Resolution of the Committee last year, which says "the convict prisons beyond seas ought to be regarded as places for carrying out the sentence of transportation." I have always considered as a very objectionable and a very absurd element of uncertainty the theory of the law that men who were sent to Bermuda or Gibraltar under sentences of penal servitude were punished at home. It is a distinction which the public do not understand. The public do not consider it the same thing whether a man is imprisoned at home or sent to Bermuda or Gibraltar; and I wish the Government had decided that Bermuda and Gibraltar should be devoted, like Western Australia, to the reception of convicts sentenced to transportation. I wish the Government would make more clear than they have yet done what is to be the system under which the punishment of penal servitude is carried out, what convicts are to be sent abroad, and how far the Judges will know the nature of the sentences which they pass. I should wish to see transportation carried out as a punishment for the greater crimes, reserving penal servitude for other and lesser offences. Having thrown out these suggestions I can only hope that the Government will pursue the course indicated by this Bill, and that they will be successful. With the permission of the House, I will now turn to the observations of the hon. and learned Gentleman, who has dwelt upon what he justly called an important, though not the most important, part of the subject. It is perfectly clear that, whatever proportion of our criminals the right hon. Gentleman may intend hereafter to send either to Western Australia, Gibraltar, or Bermuda, the great majority will, at the end of their sentences, be turned loose in this country. A very difficult part of the subject then is involved in the question, what are we to do with our convicts when they are discharged? It is very important that the Government should address their thoughts to the best mode of rendering the great fact of a majority of them being released in this country as innocuous as possible. With this feeling I heard with regret the expressions used by the hon. and learned Gentleman this evening against the system of tickets of leave. Although I am happy to say the aggregate of crime diminished in 1856 as compared with the preceding year, it is perfectly true that certain classes of grave crime increased, and during last winter a panic prevailed, connected with a cry against the system of tickets of leave. But, in the first place, I ask, was that connection fair and just? and, in the second place, I ask, much more anxiously, ought there to be that danger in tickets of leave which the hon. and learned Gentleman seems to apprehend? My view of the question is this—that, assuming the prisoner is at the end of the punishment to be released in England, it is much better for him and much safer for society that he should be released with a well-regulated ticket of leave, than that he should be turned out perfectly free and unchecked. And here I would remind the House of the 5th Resolution of the Committee—

> "That every punishment by penal servitude should include, first, a certain fixed period of imprisonment and hard labour on public works to be undergone at all events; and, second, a further period, which should be capable of being abridged by the good conduct of the convict himself."

What does that mean? Is the abridgment of the period to be a complete and absolute termination of punishment, or a release with some check upon him? I say the latter was meant, and I think it most desirable that the spirit of that Resolution should be carried out. I hope it is not intended by the right hon. Gentleman that all sentences shall be carried out to the letter. [Sir GEORGE GREY: I said it was not so intended.] I am glad to hear it, for I am convinced all experience and authority show that in dealing with prisoners under punishment you must not altogether shut out the element of hope. It is essential to the successful treatment of convicts that you should allow every man to hope that he may by good conduct shorten his punishment, and, on the other hand, it is due to the public that there should be some check against the misconduct of such persons when discharged. In my opinion the cry against the ticket-of-leave system was really founded upon inefficient regulations, and even these regulations being injudiciously carried out. In Ireland the ticket-of-leave system has not led to such alarming or bad consequences. I believe I am right in attributing the superior success of this system in Ireland to the fact that the regulations under which the tickets of leave are granted are strictly carried out. But in England, although I am sure from the best of motives, the right hon. Gentleman did not think it necessary to carry out the regulations and conditions under which the tickets of leave were granted with that strictness which, I believe, the interests of the public demanded. I will recall to the mind of the House a remarkable instance of this neglect. A man of the name of Wotton, who was residing in Birmingham under a ticket of leave, was noticed by the police as associating there with thieves. Now, the right hon. Gentleman was warned of these facts. That warning was disregarded, and this man Wotton, while perpetrating a burglary, was shot by a clergyman, the owner of the house attacked. This might have been prevented had his ticket of leave been withdrawn upon the breach of the conditions, and the man sent back to gaol. This example is, I think, sufficient to show that the regulations carried out by the Home Office are not as strict as they ought to be. I do not hesitate to say that under proper precautions the system of tickets of leave ought not to be abandoned. I quite admit without any precautionary measures such a system would be highly dangerous. With them, I believe it would prove a most valuable auxiliary to our criminal law. I am glad to find that the right hon. Gentleman subscribes to the opinion that the convict, though sentenced to a severe punishment, may yet be encouraged by the hope that by good conduct his punishment may be shortened. I have now only to thank the House for the patience with which it has listened to the observations I have felt it my duty to make on this important subject.

MR. COLLIER said, the right hon. Baronet the Home Secretary had to answer objections of a very different character. The hon. Member for West Norfolk (Mr. Bentinck) objected to transportation altogether, whilst the hon. and learned Member for Sheffield (Mr. Roebuck) found fault with the Bill because he was for nothing but transportation. The hon. Member for West Norfolk had fallen into the error of not distinguishing between the two senses in which the word "transportation" was used—the successful sense and the unsuccessful sense. Transportation had been found successful, in the opinion of the best judges, and of every one competent to form an opinion on the subject, when a criminal was sent to a colony where a demand existed for convict labour, and where the colonists were desirous of receiving him. In that case he was separated from his criminal associates, and transferred to a country where he was not looked upon as tainted, but where he had a chance of becoming a respectable man. Transportation had failed in those cases where there was a mere deportation of the criminal to a penal settlement, which was, in other words, only a prison at the other end of the world. The hon. Member for West Norfolk objected to transportation on account of the horrors which had been witnessed at Norfolk Island and some other penal settlements. Now, there was nothing in the Bill before the House tending to the establishment of anything like a Norfolk Island. It merely related to a species of transportation which had been found to operate beneficially. Its object was to enable the Government to send a certain number of criminals to Western Australia—the only country remaining to us where a demand existed for convict labour. Under the other provisions of the Bill, the employment of convicts in this country would be ensured at Portland, Dartmoor, and other places; and therefore a great part of the hon. Member's objections amounted to nothing. It would be evidently necessary to make a selection of the criminals sent out, for there were many criminals who were too bad to be sent to any colony. In many cases men would be convicted of capital offences, but for the objections entertained by juries to the infliction of capital punishment. By this means such criminals escaped the gallows, but we had no right to send to a colony a determined murderer, or a man who had been convicted over and over again of desperate assaults or of burglaries with violence. Such persons ought to be confined for their lives, and, if so, it was better that they should be confined at home rather than abroad, for there would not only be a saving of the expense of sending them abroad, but they would be kept under better surveillance here than in another country. The arguments of the hon. and learned Member for Sheffield were of a startling character. The hon. and learned Member contended that a man who had committed a crime was to be considered a tainted man; that he could get no employment in this country; that he must either starve or steal; that he would not starve, and that it was therefore desirable that all sentences of transportation should be for life. But that applied, not only to men sentenced to transportation, but to those under every term of sentence. The logical result of this was, therefore, that all criminals must be transported for life. The island which he proposed as the locality to which these persons were to be transported, and which, though not designated, might be referred to by the letter "L," would therefore soon have a very considerable population; and the more so, as the hon. Gentleman proposed to send out a considerable number of females. The hon. Member had not, however, stated what he would do with the children born there; nor had he pointed out where was the other island to which the criminals were finally to be sent for the rest of their lives. Only four places had been mentioned, and the right hon. Gentleman the Member for Droitwich had shown that none of those were suitable. On further consideration, he thought the hon. and learned Member would not press that view of the case. Now, with regard to the question of uncertainty. The case stood thus. It had been said that the Judges were in the habit of sentencing persons to transportation, knowing that they would not be transported, but imprisoned. That certainly had an injurious effect, because it was passing a sentence that was known to be false. But the sentence which was now passed—that of penal servitude—was not false. There was a certainty that the criminal would undergo penal servitude for a time. The uncertainty which prevailed respected the place of that servitude. Now, that was inseparable from the nature of things. The Judge was not in a proper position to decide whether a prisoner was a fit subject for transportation or not. A certain number only could be transported, and if the wrong ones were sent, the others must remain, for the colonists would not receive more than the prescribed number. Who then was the proper person to decide the question, the Judge or the Home Secretary? The Judge could not possess the information which the Home Secretary could procure, and the Home Secretary was the proper person to select the criminals to be sent out. The treatment of criminals on their discharge did not come within the scope of the Bill, and he would only observe that the ticket-of-leave system had not worked well in this country. A well-regulated ticket-of-leave system would place a man under the perpetual surveillance of the police—a system alien to the minds of the people of this country, and one which would rather have the effect of retarding than promoting the reformation of the criminal. He thought it desirable to reserve to the Crown the right of granting tickets of leave in some exceptional cases, but in every instance the criminal ought to be subjected to a certain term of imprisonment, accompanied with hard labour.

Mr. DRUMMOND said, that when he considered how many of the Members of that House belonged to clubs where they could have access to some map of the world—that on Mercator's projection would probably be the best for the purpose—he could not conceive the difficulty of their finding at least 100 places to which convicts might be sent. The ticket-of-leave system had done some good; it had frightened a few old ladies, but it had startled a number of gentlemen into employing their common sense in considering what had been going on year after year with regard to the treatment of criminals. His hon. and learned Friend beside him had truly said that the number of these Bills which had been brought in year after year by right hon. Gentlemen, and each of which was a satire upon the philosophy of its predecessors and those who had introduced them, arose from this. We had a settlement to which we used to send our convicts, but it had been most grossly mismanaged; instead, however, of having amended that management, we had come to the absurd conclusion to give up the system altogether. From that day to the present we had been going on with all sorts of schemes, confounding things which were wholly dissimilar, talking about the reformation of criminals, when our object ought to have been to protect society. The House of Commons had nothing whatever to do with the reformation of criminals, which, like many other secondary matters, should be regarded as of a nature entirely collateral and subsidiary; as one of those social improvements, in short, which if it took place, so much the better, but which, whether it did or not, was a point with which it was not the business of statesmen to deal. The Government of a country transported people because they must protect society at home. They hanged people for the same reason, save when our pity was so great that it taught persons to perjure themselves, by declaring men to be innocent whom they knew to be guilty. All that now remained to us was to carry out the system of transportation to a greater extent than had been the case for some years past. There was no difficulty about finding a place to which to send our convicts. As to the question whether they were to have more or less punishment in one place than in another, that was a matter of detail which it was unnecessary to discuss on the second reading of the Bill, as they might be considered in Committee. In conclusion, he must express his surprise that any practical man could suppose that profitable labour could result from the employment of convicts in this country, and a hope that the Bill would be allowed to pass through its present stages.

Mr. PHILIPPS observed that he was prepared to support the Bill, as calculated to effect a decided improvement in the present state of things. The evidence which had been given upon the subject of secondary punishments by Mr. Justice Erle and Mr. Justice Cresswell had represented the effect produced by the sentence of transportation, not only upon the criminal himself, but upon all those who happened to hear it pronounced, as of a character the most deterring; and, so far as he himself had had an opportunity of forming a judgment upon the matter, he had been induced to arrive at a precisely similar conclusion.

He believed it produced a much stronger effect than a sentence of imprisonment; and it was impossible to calculate how many persons had been operated upon in that way. For these reasons—if a place could be found to which our criminals could be sent—he thought a return to the system of transportation must be regarded as to a certain extent desirable.

Mr. BYNG expressed his cordial concurrence in the general principles of the measure which was under discussion, and stated his object in rising to address the House was rather to point out some omissions in the proposition of the right hon. Baronet the Secretary for the Home Department than to comment upon the provisions which it actually contained. He hailed with gladness the prospect of a return to the old system of transportation in its limited, amended, and restricted sense; and he felt assured that the adoption of such a course would be as beneficial to the community as it would be generally popular with the various classes of which it was composed. He must, at the same time observe, that he thought it necessary that some reform should be effected in our ticket-of-leave system, that something like certainty should attach to the infliction of secondary punishments, which ought to graduate according to the character of the offences, but should be at the same time fixed and immutable, and that greater care should be taken with reference to the separation of criminals after their conviction than at present existed. With respect to the ticket-of-leave system—it was, in his opinion, impossible to deny that the evils which flowed from it had been much exaggerated in the public mind, inasmuch as the crimes which had created so much apprehension during the past autumn and winter might very fairly be looked upon as not so much the result of a vicious system as arising from the want of the due administration of that system in certain cases. Some line ought, therefore, he thought, to be drawn between those criminals who happened to have been several times convicted, or whose offences had been attended with gross violence, and those who were convicted for the first time, or whose transgressions were of a comparatively venial character. When a notorious criminal was convicted he would have the Judge say to him, "You are a great offender, and the law has determined that you shall for your crimes undergo a certain term of punishment. No pretended reformation, no feigned submission to the rules which the chaplains of the gaol may lay down for your observance, shall enable you to forego that punishment." Means should be provided by which they might learn their duty towards God and man, but they should be given to understand that so long as they remained in prison they would have to accomplish their term of punishment. That was the course which he would wish to see adopted in the case of the graver class of offenders, while he was desirous that those who had been convicted for the first time or for trivial transgressions should not have the door of hope shut against them, but should be allowed to experience the advantages of a system which he could not help thinking was at the present moment more unpopular than it deserved to be. If the punishment inflicted upon criminals were of a more fixed and durable character, a great benefit to the country would, in his opinion, be the result. Those offenders who were at large would then know what they had to expect if they were brought to the bar of criminal justice. The Judges of the land would be guided in the discharge of their duties when they were aware that any punishment they might inflict would be rigorously put into execution, and might, as a consequence, be induced to pass a lighter sentence, and to take extenuating circumstances into their consideration. The question of the separation or classification of criminals, to which he had adverted, was not perhaps one which came within the scope of the measure before them; but it was nevertheless a subject of the highest importance, and if it could be effected upon a sound principle, while honest employment was provided for the thousands who annually left our gaols, much would have been done to solve one of the greatest social problems of our day. That was a state of things which perhaps must be brought about rather by the exertions of private philanthropy than by the efforts of any Administration; bnt it was nevertheless a question to which the attention of a Government ought, in his opinion, to be directed; and if any measure of that description could be framed by the Government, he believed it would meet with a consistent and conscientious support. It only remained for him to thank the right hon. Baronet the Secretary for the Home Department for the promptitude with which he had introduced the present Bill, and to state that it should have his most cordial support.

MR. NEWDEGATE said, that he thanked the Government for having introduced the Bill, and that what the people of this country—the quiet people—the heads of families—demanded was, that their homes and households should be secured from those criminals who were so deeply steeped in vice that no reformation in their characters could reasonably be anticipated while they continued to dwell amid the scenes of their guilt. That it was which the people called for; but he regretted to say that the Blil at its very outset tended to deprive them to some extent of the security to which they were entitled, inasmuch as it provided that sentence of transportation, under certain modifications, should be commuted to penal servitude, while it left the point in complete uncertainty whether that term of "penal servitude" involved transportation or not. According to the testimony of the Judges, one great advantage which the system of transportation possessed was the certainty with which the punishment was carried into effect. It began with banishment, and it was the certainty of this which deterred the gravest offenders from subjecting themselves to its infliction. Why was it, then, that transportation was not again to be resorted to in compliance with the acknowledged requirements of the community? Simply because the Government had not applied themselves vigorously to the solution of the question, or because of the difficulty which is was said existed in discovering an available site for a penal settlement. He thought, as had been already stated by an hon. Member during the debate, that the Colonial Office had been lax in their endeavours to discover a site for a penal colony. That might have arisen in some degree from the arguments of the able staff of officials now engaged in carrying out the present penal system, who, naturally enough, did not like the idea of seeing themselves superseded by any change which it might undergo, and were consequently warm advocates for the retention of our criminals at home. Be that as it might, the House had, on the one hand, a disinclination on the part of the Colonial Office to discover a site for a penal colony, and, on the other, a number of most able advocates for the detention and treatment of our convict population at home. He trusted the House and the country would continue to urge on the Government the necessity of finding and adopting some penal settlement wide enough to receive the whole of the worst of our criminals, but of continuing at the same time the merciful advantages of transportation, which afforded to men desirous of amending their lives the means eventually of founding a home and establishing a new character in a new field. Thanking the right hon. Baronet (Sir George Grey) for the introduction of the Bill before the House, he still trusted it was but a step towards the renewal of transportation under the sentence of the Judges, and of that certainty of punishment which was, or ought to be, the first object of all penal legislation, provided at the same time it opened up to the convict the prospect of a new home and a new field of honest industry, where the taint of his former crimes would not follow him.

MR. W. EWART said, convinced of the soundness of the conclusions to which the Committee of Sir William Molesworth arrived, he was of opinion that transportation should rather be the supplement of a punishment than itself a punishment. If the plan of the hon. Member for North Warwickshire were carried into execution, he did not believe that a penal colony would long exist. He should prefer that punishment, whatever its character, should be carried out in this country, before the eyes, as it were, of the whole community, so that it might operate in deterring people from the commission of crime, and that in all cases the convict should clearly understand that his sentence, whatever it was, would certainly be carried into effect. He concurred with M. Salvandy, who died not long since, and with M. Leon Faucher, as also with the conclusion arrived at by the Committee of Sir W. Molesworth, that as respected the worst class of criminals the most desirable course to pursue was deportation following on a preparatory ordeal of reformation at home, as having a tendency in the end to afford a fair prospect of amendment to the convict at home and a new career of colonization abroad. This, also, he believed to be the tendency of the present Bill.

MR. LIDDELL contended that, on entering on the consideration of this difficult problem, the House should, in the first instance, make up its mind as to the precise light in which it ought to regard transportation—whether as a punishment or as a reward to criminals who had passed the period of penal probation satisfactorily and honourably to themselves. While disposed to assent to the measure of the right hon. Baronet the Secretary for the Home Department, he would still say if transportation was to be regarded in the light of a punishment, it could not be considered as a severe one, if a punishment at all, to send criminals to a favoured land such as Western Australia, for it was a smiling country with a luxuriant soil, and the condition of the settlers there, according to the last accounts, was in the highest degree comfortable and creditable. At the same time, he was willing to admit that if the powers proposed to be given by the Bill under consideration were judiciously exercised, the result might fairly be expected to be the riddance to the country of many of the more dangerous class of criminals, whose lives here were supposed to operate as a bad example to others, and who often relapsed into crime from disappointment at not obtaining employment on their discharge. It would also be a boon to the criminal himself, because by opening up to him eventually the opportunity of pursuing a course of honest industry in, to him, a new part of the world, he would be given to understand he had still a chance left of well-doing, while to the colony to which he might be expatriated his labour, where labour was in great requisition, would be an advantage. He must, however, protest against the most favoured spots of our colonial dominions being selected as the places of destination for that class of convicts. The hon. Member for Haverfordwest (Mr. Philipps) rested his arguments as to the effect of transportation in deterring from the commission of crime on the opinion of the Judges, but he (Mr. Liddell) thought he could show that criminals themselves regarded transportation in an opposite light. Colonel Jebb, in his evidence given last year in his Report on transportation, pointed out that the result of the probation system adopted a few years ago in this country—namely, imprisonment here for certain periods proportionate to the sentence, followed by employment on public works—was, as respected its effect on the convicts subjected to it, that transportation was looked upon by them in the light of a reward for good conduct. In confirmation of this view Colonel Jebb related a remarkable fact in connection with the proceedings which took place at Brest, Toulon, and Rochefort, when the abolition of the Bagnes was resolved upon by the Emperor of the French by a decree in March, 1852. Differing from the view of the old Chamber of Peers, which was that the existing places of confinement should be suppressed, and that prisons on shore should be substituted for them, the French Government then resolved that Cayenne should be taken as a place of transportation for a certain category of offenders. The men, however, then at Brest, Toulon, and Rochefort, were under sentence of imprisonment, and not under sentence of transportation; and they were given the choice of completing their sentences in prison or of being sent to Cayenne. The terms of their transportation to that place were explained to them, and in the first few hours after the registers were opened for their accepting this offer or rejecting it, 3,000 men came forward to give in their adhesion and to express their wish to go to Cayenne. Not one hundred yards from that House was an establishment where men willingly submitted to one year's hard probation that they might afterwards obtain a passage as emigrants to a colony. These facts, he submitted, showed that the deterrent effects of transportation were not quite so strong on the minds of criminals as some hon. Gentlemen had represented during this debate. The punishment of criminals of the worst class could be conducted more effectually and cheaply at home under our own eyes; and it was quite a mistake to suppose that their labour could not be made available. Colonel Jebb's Report had shown that in the four chief prisons where men were employed on public works, the value of the labour of each convict was £24 per year. In those prisons where the work performed was purely agricultural its value was only £5 per annum. He would only, in conclusion, hope that the whole of this important subject would be well considered, and that, at all events, the effeminate system pursued at Millbank, Pentonville, and other kindred institutions would undergo a change, the result of which would be greater economy in the treatment of our convict population and a more wholesome effect upon the convicts themselves.

MR. HENLEY said, there could be no doubt that their legislation in respect of criminal punishment had been unfortunate, when within the short space of three years the House was asked to make "ducks and drakes" of the penal system of this country. Let them consider for a moment what they had already done and what it was they were now asked to do. Three or four years ago they came to the conclusion that four years of penal servitude were equivalent to seven years of transportation, and six or eight years of the former also equal to about ten or fifteen years of the latter. But now it was also of a sudden proposed that they should entirely reverse this decision, and go back to the original periods of punishment. This course they were asked to take without any information as to the proposed change in the nature of penal servitude; yet the Government which recommended the conclusion adopted three or four years ago was composed of nearly the same Members as the present one, the noble Lord the First Minister then being Home Secretary! The country had shown itself so dissatisfied with the effect of their late legislation on this subject that it had become imperative on the Government to do something to amend it. There was a universal outcry against the working of the system. Tickets of leave were introduced because it was held that seven years of transportation were equivalent to four years of penal servitude, and that therefore it was unjust to keep a man who had received the former sentence for an equal number of years under the severer form of imprisonment. Accordingly large numbers of criminals were let loose, and what was the result? A general distrust of Government pardons was excited in the public mind, and the prisoners who were pardoned and those who had worked out their full sentence and the ticket-of-leave men were looked upon with equal jealousy, and found equal difficulty in obtaining employment. They had also, by altering sentences, made their secondary punishment insufficient in severity for the crimes which they were intended to punish. There had been of late years—and no one rejoiced at it more than he did—a considerable diminution in the number of capital sentences, and also in the number of such sentences carried into execution; but this made the system of secondary punishment more important. What did this Bill provide for? Why for altering altogether the number of years for which convicted persons were to undergo punishment—in fact, going back again to the system of transportation. This was undeniably the fact, yet by some strange shuffle of words, which he could not understand, the Government got rid in the Bill of the word "transportation." What would be the effect of that upon the public mind? Say what they would, transportation held out greater terrors to the criminal class than penal servitude. This is asserted without fear of contradiction from any one who magisterially or otherwise came in contact with that class. It more completely cut them off from their wives and their other connexions, because when the sea did not lie between them and their friends they never would give up the hope of communicating with them. Every person in this country, from the highest to the lowest, felt that it was in the power of the Crown, at its discretion, to extend its mercy to any criminal and mitigate his sentence. But they were about to do this:—A Judge sentenced a man, it might be for a light or a heavy offence, to penal servitude. Then, without any reason assigned, without any cause that the public could know or the friends of the prisoner could conceive, this man was to be suddenly transported. This could be viewed in no other light than as an aggravation of the sentence, and an aggravation, too, produced by an arbitrary and capricious exercise of the power of the Crown, though no doubt sanctioned by Act of Parliament, and the effect could not but be mischievous. They could feel it no other way, and, therefore, the proposed alteration would not have a good effect. It was certainly difficult to find a foreign settlement to which to send our criminals; but, unless we meant to give up the system of transportation, we ought to retain its name, and he hoped when the measure got into Committee the right hon. Gentleman would allow the word to stand. The hon. Member for Dumfries recommended them to confine their criminals for a time here, and then to deport them. If they were not let loose in this country the system might prove satisfactory; but it might be better that as long as they were kept within four walls they should remain at home, where a more efficient surveillance could be maintained over them than was practicable at a remote distance. For the sake not only of the people at home, but also for the interest of the criminals themselves, it was highly desirable that as many of them as possible should be sent abroad. When turned out of prison, not, as formerly, with pardons, but with tickets of leave, and in a country where the labour-market was pretty well stocked, these unfortunate men were looked upon as something even worse than criminals. An ugly name was attached to them, and what with the policeman and what with other people, they were hunted about until they had no other resource but to return to their old associates, when they soon found their way to prison again. With so much difficulty in finding work in a field where they had many competitors of untainted character, it was not likely, even if reformed—which must always be questionable—that they would have strength enough to resist the temptations to which they might be exposed. In a new country, on the other hand, they would be removed alike from their vicious companions and from the reach of temptations, while the means of obtaining an honest livelihood would be easily open to them. They had abundant evidence that a very large proportion of the convicts sent to the colonies conducted themselves in a manner which at least did not render them obnoxious to the law, and when that was the case charity required us to believe that they were leading proper lives there. He hoped, therefore, they should have the assurance of the Government that they would not by this measure narrow down, more than they had already done, the means of sending those persons abroad; but, as the Bill stood, it certainly had an ugly look. Though such might not be their real intention, the omission of the word "transportation" would, in the eyes of the public, bear the appearance of a wish to put an end to that system. He hoped, however, that in Committee this and other parts of the measure would be made less objectionable.

Mr. BAINES said, there was one point on which he should be glad to say a word, especially as, by the forms of the House, his right hon. Friend (Sir G. Grey) was precluded from again addressing the House, owing to the Amendment of the hon. Member for Norfolk (Mr. Bentinck) failing to find a seconder. He (Mr. Baines) might also ask to be heard, because he had had the honour to act as Chairman of the Committee which conducted a long, patient, and very diligent investigation into the whole of this question. The right hon. Gentleman who spoke last had been guilty, no doubt through inadvertence, of considerable injustice towards the Government, having accused them of dealing in a wanton and careless manner with a subject of first-rate importance. The right hon. Gentleman had charged them with making "ducks and drakes" of this question. He was correct in his quotation of the terms used by the right hon. Gentleman; and from those terms it was certainly to be inferred that the Government were not acting according to any well-settled or matured plan, but in a wanton, crude, and unjustifiable manner. That he thought was an unjust accusation. The House should bear in mind the circumstances under which the 16th and 17th of Victoria was passed for the amendment of the law with regard to transportation. That Act was passed suddenly and at the end of a Session, by way of an experiment, the Government having been compelled to resort to that expedient by the refusal of the Colonies to receive any more convicts. That experiment was fairly tried for three years, and then there arose a demand in both Houses of Parliament for an investigation as to the manner in which it worked, in order that it might be seen whether any change was desirable. Committees were consequently appointed to inquire into the operation of the Act, and of the House of Commons' Committee he had the honour to be Chairman. The entire subject was carefully investigated, and at last certain resolutions were adopted, as the result of a great body of evidence, and laid before the House, and a similar course was adopted by the House of Lords' Committee, who investigated another branch of the subject also in a careful and diligent manner. The Government having considered these resolutions, deemed it to be their duty to found upon them the present measure. The right hon. Gentleman (Mr. Henley) had, therefore, no ground for saying that the Government had introduced this measure wantonly, and without any greater reason for legislation than existed when the Bill of 1853 was proposed. He (Mr. Baines) did not now propose to enter upon a discussion of the various points connected with this important subject, as there would be an opportunity of discussing them bye-and-bye; but there was one on which he wished to say a few words. The hon. Member for Sheffield had said that it would be a very easy thing for the Government to discover some place to which convicts might be sent, and by this means they might get rid of the practical difficulty which had arisen from the Australian and Cape Colonists refusing to receive convicts; but the hon. Gentleman must permit him to say that in that which he thought so easy, the Committee found involved difficulties which were utterly insuperable. And so with regard to the Committee of the House of Lords: they inquired particularly into this part of the case, and suggested particular places which had been alluded to by the right hon. Member for Droitwich. The result was that both Committees came to the conclusion that it was a matter of regret that the country should forego the advantages of sending convicts out of the country, and yet that they were unable to point out any place, except Western Australia (which would receive them for the present), to which convicts might in future be sent. The hon. Member for Warwickshire said the sending them out was a very simple matter, but the right hon. Member for Droitwich told them that, though he originally had an opinion that they might find places to which convicts might be sent, and had that opinion when he went into the Committee, yet that after going through the whole of the investigation he came to the conclusion that it was difficult, if not impossible, to find out a place of that kind. The right hon. Gentleman had been Secretary for the Colonies, and so had unusual facilities for forming a correct opinion, besides those which he derived from a very assiduous attendance upon his Committee, and the evidence of such a witness was worth a host of suggestions from those who had had no such opportunity of forming correct opinions. The Honse of Lords' Committee suggested to Her Majesty's Government the names of one or two places which it was thought might possibly be selected in lieu of Van Diemen's Land for the purpose of punishing convicts; and on the part of the right hon. Gentleman, the Colonial Secretary, he took the liberty of saying that he had spared no effort to discover the truth upon that subject. For the present, however, it was the strong opinion of the Government that it would be almost impossible to discover any new place that could be used for the purposes of a penal colony.

Mr. WHITESIDE thought his right hon. Friend the Member for Oxfordshire was quite right in saying that it was unfortunate that the criminal law of England should consist of a series of experiments. That was the statement of his right hon. Friend. He was of opinion that it was contrary to all principles of law to allow the Judge to pass a sentence, and allow the Executive to carry out a different and a severer one—to allow the Judge to pass a sentence of penal servitude, and authorize the Executive to—without having heard one word of the evidence—inflict a punishment heavier than that directed by the Judge. He quite concurred with his right hon. Friend that transportation was by the people considered to be the severer punishment. At least, in Ireland it was so, as he could bear witness, after twenty years' experience at the bar in that country. It was so considered both by the criminals and their relatives and friends.

Mr. KEATING said, that, admitting that the Act of 16 & 17 *Vict.* was to a certain extent an experiment, yet it must be remembered that the necessity for that experiment arose from circumstances over which the Government of the day had no control whatever. That necessity arose from the refusal of the colonies to receive our convicts, and that necessitated a different legislation, and imposed an obligation upon the Government of seeking some remedy or other for a state of things that had unexpectedly arisen. That experiment was embodied in the 16 & 17 *Vict.*, and he regarded it with considerable doubt. He was one of those who ventured, when the Bill passed the third reading, in a thin House, to question the propriety of the experiment of granting tickets of leave, and he suggested to the noble Lord now at the head of the Government, but who was then Secretary for the Home Department, that the three clauses which embodied that principle had not been sufficiently considered, and that they had better be withdrawn from the Bill, and reintroduced if found upon consideration to be necessary. However, the Session had arrived at that period that it became necessary, he presumed, for the Government to pass a Bill in that shape. He entirely agreed with the present Bill, in the principle of restoring transportation in effect; and he was somewhat disappointed in finding that the Secretary of State for the Home Department had not thought it right to follow what he could not help thinking, when he introduced this Bill in the last Session of Parliament, to be really his opinion, that those clauses were introduced for a mere temporary purpose, which, perhaps, had been answered; and he thought that these clauses, repugnant as they were to the public feeling, had better be withdrawn from the Bill. The Bill, at first sight, appeared to introduce additional uncertainty with regard to the nature of the punishment that was really awarded by the sentence of the Judge; but accepting, as he did, the explanation of the Home Secretary, that, upon this Bill passing, the sentence of penal servitude would involve the penal consequence of liability to transportation, and presuming it to be the intention of Government that actual transportation should be persisted in, as far as the colonies would allow of its being carried into execution, then he did think that the principle of the Bill was a decided improvement upon the Act of 16 & 17 *Vict.*, and he rejoiced that so much unanimity prevailed in the House as to allow the Bill to be read a second time without opposition.

Mr. PACKE said, although he would give his support to the Bill, he believed there could not be a question in the mind of any one who ever witnessed the trial of a prisoner that the sentence of transportation had far greater effect in deterring from crime than what he could not help calling the "milk and water" sentence of penal servitude. The friends and companions of the convict felt that banishment from their native country was one of the most serious sentences that could be passed upon them. And what was the object of all punishment? To deter from crime those who were badly disposed, and nothing could have more influence in this respect than the knowledge that the severe sentence pronounced would be carried into effect. At the last winter sessions, at which he presided as chairman, a numerous bench of magistrates agreed to a memorial to the Secretary of State upon this subject, which set forth that the substitution of a comparative short period of penal servitude for transportation was the main ground of the great increase of crime which had taken place; and that it had entirely failed, both as a means of reformation of offenders and as an example to deter from crime. The great benefit of passing the sentence of transportation was, as he had already observed, in its being publicly known at the time it was passed that the criminal would be banished from the country; but as the Bill stood, the Judge would not be able to hold out *in terrorem* that banishment would follow the sentence, and the convict would be secretly informed afterwards, without the public knowing anything about the matter, that he was to suffer the actual penalty of transportation. Upon this point he agreed with his right hon. Friend, and hoped the Government would, before the Bill went into Committee, reconsider whether it might not be advisable, if transportation was to be allowed by the Bill, that it should form a part of the sentence pronounced in open court.

Lord STANLEY did not intend to discuss the details of the measure, and but for some remarks made that night he should not have risen at all. There was one point intimately connected with this question, upon which opinions in this House and among the public at large appeared to be greatly divided; and it seemed to him that it was the duty of those who upon that subject had formed a clear and decided opinion, to express such opinion in a manner that might leave no doubt in the public mind. The real dispute, and it lay at the bottom of the whole subject, was, whether it would be possible permanently to continue the practice of transportation beyond the seas, or whether the time had arrived when that practice must necessarily cease altogether? He did not think it was fair or satisfactory to limit their arguments to the mere question of transportation being desirable. The point really at issue was not whether transportation was desirable, but whether it was possible or not. He had read every report that had been published upon the subject; he had conversed with many persons who were acquainted with all its bearings; and he confessed that the impression left on his mind was that any attempt to found a new penal settlement in any part of the globe would be an experiment necessarily ending in disappointment and failure. It was not for him to supply proof of so general a proposition; such proof, from the nature of the case, could not be given; but he thought it was easy to show, if any particular spot or specific locality were chosen for a new penal settlement, that to that locality, wherever it might be, there would be found grave and even insuperable objections. If they tried the Falkland Islands, which had often been proposed, they had an area which was far too limited in extent to supply the main advantage of such a colony, namely, a wide space with a scanty population, and a climate in which it would be impossible to raise so much as a crop of grain. If they went to Vancouver's Island, the Americans would naturally and reasonably complain of arrangements, the practical effect of which would be, that the convicts, so soon as they became free, would at once flock to the neighbouring gold fields of California, lying within the United States territory. Passing from Vancouver's Island, if they established a settlement in the northern parts of the Hudson's Bay territory, they would have to deal with a climate in which all attempts at agriculture were totally out of the question; where, at a few inches depth, the ground was permanently frozen throughout the year; whilst if they went to the southern part of that territory they must select those localities which bordered upon the colony of Canada, and he need not say that to establish a penal settlement upon the borders of Canada was practically to establish a settlement in Canada itself. Let them turn now from America to what he believed was the only other locality of which mention had been made —he meant the northern coast of Australia. Of that part of the Australian continent little was known; but what we did know was not much in its favour. It lay far within the torrid zone. It was a low-lying land, with a tropical climate; and the experience of every other part of the globe showed that under those circumstances, and in such a climate, Europeans had not been able to labour successfully, or even to preserve life. Look, again, at the latest map of Australia, and hon. Gentlemen would see how rapidly the colony of Western Australia was extending upwards to the northern coast. However, therefore, they might for a while isolate those convicts whom they planted on the north coast, still in time, and that time not distant, a way would be made from the new to the older settlements. So that, however they might keep the letter of their promise to the colonists of Australia that transportation should cease, they would be breaking it in spirit, because, as soon as their term of punishment had expired, the convicts would be sure to find their way to the older settlements. If then it were, as he thought, impossible to find another spot where, with any fair prospect of success, we could establish a new penal colony, we were thrown upon the only colony which at present did still consent to receive our convicts—he meant Western Australia. Up to the present time the inhabitants of Western Australia had shown no objection to receive convict emigrants; he was glad to see that willingness on their part, and he hoped it would continue. But he could not forget that in Van Diemen's Land and those other colonies to which transportation was formerly carried on, a very short time before that outbreak of popular feeling which compelled the Government at home to abandon the practice of transportation, there was apparently the same willingness to receive convicts which was now to be found in Western Australia. In Van Diemen's Land, the opponents of transportation were a small minority, only a few months before their final triumph. Public opinion had there shifted very rapidly, and we must be prepared for its doing the same in Western Australia. The only precautions which were in the power of the Government to take, in order to secure a continuance for as long a term as possible of transportation to that only colony with reference to which it now existed, were—first, to avoid sending out at any one time an excessive number of convicts; secondly, to take care that they sent out none but those who might reasonably be supposed capable of being reclaimed; and lastly, which was the most important point of all, it was necessary that the inhabitants should clearly understand that transportation to their colony would continue only during their pleasure, and that upon a hostile expression of feeling on their part it would cease at once. It was, he believed, quite as much a feeling on the part of the inhabitants of the other colonies that compulsion was practised towards them—that they were allowed no choice in a matter deeply affecting their destinies—that they were used for the purposes of Government at home, without reference to their interests or their likings—it was quite as much this feeling as it was their actual aversion to the system of transportation which had caused so strong a revulsion of sentiment upon the subject. But admitting that the disposition of the colonists of Western Australia continued favourable, still it was clear that that was not a state of things upon the permanent continuance of which we could reckon; and at best it only afforded an outlet for a very limited number of convicts. The question before the House now, and the question which would a few years hence be still more plainly before the House and the country was, what would they do with the great majority of those who were sentenced for long periods? There was no part of the speech of the right hon. Gentleman the Home Secretary to which he had listened with more pleasure than that in which the right hon. Gentleman had for the first time in that House distinctly admitted the existence of a class of criminals to whom it was necessary to apply a distinct mode of treatment—the class which must be considered as incorrigible. He hoped the right hon. Gentleman would carry that admission into practical effect, and found upon it the only measure which it necessarily led to—namely, that as, after the strictly penal term of imprisonment had expired, there would always be some criminals whom it would be impossible to let loose upon society, these should be in some measure and by some means kept in seclusion, and detained apart from the rest of the community during the term of their lives. When he said this he did not mean to propose that they should be imprisoned for life, permanently shut in within the walls of the gaol ; public opinion would not sanction, ought not to sanction, any such proposal; what he meant was, that there were many places having the advantages of an isolated situation, within or near those islands, in which it might be possible to detain, seclude, and employ, in remunerative labour, with some measure of indulgence to themselves, but with no permission to go forth beyond the limits of the settlement, criminals, whom, from their habits of crime and the gravity of their offences, it was not safe again to turn loose upon society. Turning from this class—that of the more aggravated offenders—to those who might be regarded as corrigible, the question was, could they continue or modify the ticket-of-leave system so as to make it really a benefit. Upon that subject he knew there was a good deal of hostile feeling—under the circumstances he could not term it prejudice—in the public mind. His answer to the objections which had been raised against the system of tickets of leave was, that it had never, in reality, had a fair trial. The theory had been one thing, the practice had been altogether another. In theory the only thing which distinguished the holder of a ticket of leave from a man who had undergone his term of imprisonment, and been discharged at the end of it, was (he apprehended) the liability of the former, at any time when it might seem necessary to the proper authorities, to be called upon to show in what manner he got his living. He knew that it might be said of a system of police surveillance that it was alien to our feelings as Englishmen and citizens of a free country. But the question arose, whether criminals, convicted of grave offences, might not be considered as having permanently forfeited some of the privileges of free men. It was argued again, that any supervision over these men by the police was necessarily an obstacle to their finding employment. But he would remind the House that there was another side to the question, which deserved at least an equal amount of consideration. They had heard a great deal about the hardship inflicted on a ticket-of-leave man, who had obtained honest employment, by causing his character to be made known to his employer. But suppose no such information were given with regard to his former pursuits; suppose his employer had taken him into service with a false—possibly a forged—character, or at any rate totally ignorant of his antecedents ; and suppose the man, after this, to have abused the confidence so placed in him. Assume these facts, and they were not at all improbable, and then let it be known that the police, being aware of the character of the man, had nevertheless out of tenderness towards him forborne to give the information, he thought the sympathy of the public would change sides, and it would be said that, however desirable it might be that a man who was discharged from prison should find employment, yet that that employment ought not to be given to him under colour of what was nothing less than a deception, and by an arrangement which would make it be believed that he was a man of unblemished character, whereas really he had come out of a gaol. It was most desirable, no doubt; it was even necessary that occupation should be found for these men; but if it were done under false pretences, if there were any attempt to hide from their employers their characters or antecedents, the inevitable result would be to create a feeling against the class even stronger than what existed now. No doubt, when there was a considerable number of ticket-of-leave men in the country, under the operation of the system, there would be a difficulty in finding them work. He thought, therefore, it was a fair question for the Government to consider, whether it might not be possible to put them upon public works when their terms of imprisonment had expired, avoiding at the same time the feeling of envy which would naturally be created amongst the honest labouring classes, by fixing the remuneration for their labour somewhat lower than the ordinary rate of wages in the country. Again, the present ticket-of-leave system was defective in that the tickets were granted almost indiscriminately, their refusal being the rare exception, and the granting of them the rule. He did not think that any ticket of leave ought to be granted until the prisoner had passed through something like a probational stage—a state of partial and incomplete freedom, arrangements for which could be made, and had been made, in more than one prison. By such machinery they might ascertain, not merely his good conduct when he was absolutely under restraint, but his continued good conduct when a certain degree of freedom was given him. It was a great mistake to suppose that those prisoners whose conduct was best whilst in confinement were necessarily those who would do the best upon recovering their liberty. The prisoner who conducted himself best in gaol was, generally speaking, the man of most docile character, the man who was most amenable to any influence, whether good or bad, that was brought to bear upon him. Such a man, therefore, when he found himself upon his discharge once more amongst his old associates, was most liable to relapse into crime. Another point in connection with this subject was of some moment and deserved attention. It was stated, when the question was last discussed, that out of 1,140 tickets of leave which had been revoked, all except forty-one had been revoked in consequence of fresh convictions. The revocation of the ticket of leave, therefore, became altogether nominal; because, where a man was so convicted after his previous sentence and imprisonment, it was almost certain that the subsequent sentence passed upon him would of itself include a longer term of imprisonment than if his original sentence had been carried into effect. If it was laid down that tickets of leave were not to be revoked, except upon an actual sentence of a court of justice, then the granting of them was merely nominal, and they might as well not be granted at all, but the criminal be sent out of prison without one. The measures which he would recommend were—one, that they should require a probational course of good conduct before the ticket of leave was granted—the other, that the ticket-of-leave holder be subjected to a closer system of supervision. These were the principles which should be looked to for safety in dealing with the criminal population of this country; he believed if they were adopted that the country would pass safely through the dangerous period which must follow on; but whether we were to pass safely through that crisis or not, of one thing he was assured—that to return to transportation on a large scale was impossible.

Mr. BERESFORD HOPE said, that he considered the discussion to be altogether misplaced, and that the view which had been taken of this subject might be looked upon as a sort of prospective retrospect of what the system would be some three years hence. What was the state of the case? The old system had been found ineffective, and the criminal population was now brought to such a state as to frighten the timid, and to make the wise pause. The country was now reduced to utter helplessness as to what system should be adopted with regard to the criminal population. The result was the Bill before the House, the great merit of which was its brevity and vagueness. It contained but one general principle—viz., that the criminal, upon conviction, forfeited his time and his labour to the service of the state, in whatever place or manner the state should determine to avail itself of it. There at least they had attained something tangible—they had reached something like common sense—let them be satisfied with that. The noble Lord (Lord Stanley) had availed himself of the ambiguous meaning of the word "transportation." He had treated the Motion in terms peculiarly appropriate to the case of a penal colony, whereas the word signified in this case nothing more than a few penal gangs scattered throughout the colonies, which might be kept under the same control as similar gangs at home. Hence all that magnificent array of apprehensions was but the phantasm of an over-heated imagination. The great principle of the measure was, as he (Mr. B. Hope) had stated, that the time and labour of the criminal became forfeited to the state upon his conviction. How to apply that principle was the problem of the age.

Mr. MARSH having had many years' experience in a penal colony, hoped the House would bear with him for a few moments. The three objections to transportation were, that it had no terror for the criminal; that it did not reform him; and its cost. As regarded the first of these objections, it was well known that the common people of this country had a great objection to transportation; while, with respect to reformation, he (Mr. Marsh) knew several convicts who had become really reformed men, and many others who had discovered that honesty was the best policy, and had acted on it. The cost was scarcely a question to be argued in such a case. He agreed in many things that had fallen from hon. Members in favour of the Bill; but he thought the noble Lord was quite right in saying that the question was not if there should be transportation, but to find out a place to transport to. The only point, in fact, was North Australia; but that he considered to be a highly eligible spot for the purpose, as in many parts the land was 2,000 or 3,000 feet above the level of the sea; and it was next to an impossibility that the convicts, unarmed and unprovided for, could work their way through 12 degrees of latitude down to the older colonies. He wished to say a word upon the subject of penal discipline before the convict went to the colonies, and that was to tell the House that the gaol was a very bad place to prepare the convict for a colony. Indeed, it was of all places the very worst. The colonist was obliged to "rough it," to cook his own dinner, to make his own bed, and to make himself useful generally; but in the gaol the prisoner's wants were all supplied—he had no occasion for—he was not even allowed—to exercise his skill, and the consequence was, that when such a person found himself in a colony he was helpless—more helpless than he was before he was put in gaol.

INDUSTRIAL SCHOOLS BILL.

SECOND READING.

Order for Second Reading read.

Mr. ADDERLEY said, it would be unnecessary for him to trespass upon the attention of the House at any length in moving the second reading of this Bill, for, as more than two-thirds of the present Members occupied seats in the late Parliament, they would be fully acquainted with the principles and details of the measure which was introduced during the last Session by his hon. Friend Sir Stafford Northcote. The principle of the Bill was then discussed at considerable length on the second reading, and met with general approval. It had gone into Committee *pro formâ*, and but for the dissolution of Parliament he believed the measure would have become law. The object of the Bill was to render available such private institutions, in the nature of industrial schools, in England and Wales, as might be adapted for the care and education of vagrant children, and to enforce, as far as possible, parental care. It was, indeed, intended as a supplement to those reformatory measures which the late Parliament, much to its credit, had adopted. It was calculated that the number of children, in this Kingdom alone, who might be dealt with under a measure of this nature, was about 50,000. At present no means of education whatever were provided for these unfortunate children. The late Mr. Tufnell said that they were the class of children for whose education it was most important that the State should make provision, and that their redemption from idle and dissolute habits would do more to promote the true interests of the country than any number of gaols and gibbets. In fact, these children formed the basis of an hereditary class of criminals, the insuperable difficulty of disposing of whom the House had to-night been discussing for some hours. He did not think it desirable to go too far in establishing new institutions for new classes of cases, but this Bill merely sought to render available existing institutions—for instance, primary schools, workhouse schools, district schools, while reformatories would be kept distinct for criminal children alone. These would altogether make a provision of education for a great number of children, who were now totally without any means of obtaining it. He did not claim any credit on his own part for the measure, which had been brought forward, as he had said, by Sir S. Northcote, and he regretted that that gentleman was not now a Member of the House, that he might carry out his own plan. A similar system to that contemplated by this Bill had been applied to Scotland, on the proposition of the hon. Member for Greenock (Mr. Dunlop), and had proved most efficient. He (Mr. Adderley) hoped the same benefit would be extended to England, and he wished to call attention to the circumstance that this Bill would carry out the measure which had been introduced by Mr. Speaker three years ago and assented to by Parliament, empowering the guardians of the poor to make provision for educating the children of out-door paupers. The present measure would supplement that Act, by enabling the guardians to educate all vagrant children in industrial schools. He believed the only probable opponent of this Bill was the hon. and learned Member for Dundalk (Mr. Bowyer), who had opposed it last Session, on the ground that it had a proselytizing tendency, and that the establishment of these industrial schools was intended as a means of converting Roman Catholic children to Protestantism. He thought the hon. and learned Gentleman did his co-religionists in this country great injustice by raising such an objection, for no one could doubt they were both rich and zealous enough to provide refuges for the vagrant children connected with their own religious community. By the Bill he proposed the Roman Catholics would be placed upon a perfect equality with other bodies. Indeed, he might have anticipated some objections from his hon. Friend the Member for North Warwickshire (Mr. Spooner), upon the ground that no distinction was made in respect to Roman Catholics, but certainly none from that body itself. He trusted the hon. Member for Dundalk would see that his objections formed no ground at least for opposing the second reading of the Bill, as, if he wished to introduce any clause to protect Roman Catholic interests, he could do so in Committee. If, however, the hon. Gentleman persisted in opposing the second reading, he and those who voted with him would place themselves in the invidious position of saying that, because they could not get provisions exactly as they wished to have them, therefore they would oppose the principle of industrial schools for the reformation of all vagrant children throughout England. The hon. Member concluded by moving that the Bill be read a second time.

Motion made, and Question proposed, "That the Bill be now read a second time."

Mr. BOWYER, while fully admitting the honourable and benevolent intentions of the promoters of the Bill, still felt it an imperative duty to oppose the second reading. He objected to the Bill upon two grounds. The first ground was, that the Bill had not been sufficiently considered, as it was only read a first time on Friday last, and had only been delivered to hon. Members on that morning. Many hon. Members had not seen the Bill at all. He might be told that the Bill was the same that had been introduced last Session; but he replied that there were very many Members of that House who were not in the last Parliament. Besides, they had all lately been engaged in transactions very interesting to themselves, and, he trusted, beneficial to the country, but which had not left them much time to think over the provisions of former Bills. If, however, the Bill had been one of small moment he would have raised no objection as to time, but upon examining it he found a measure of great—he might say—of dangerous importance. It introduced principles totally new to our jurisprudence. It was acknowledged that our present laws as to vagrancy were the most invidious portion of our jurisprudence. Those laws were, to use a technical legal term, odious. Foreigners frequently asserted that poverty in England was treated as a crime. The proposed Bill provided that, whenever a child was taken into custody upon a charge of begging or vagrancy, the magistrate should have power to send such child to any certified school, where he or she would be liable to be detained until attaining the age of fifteen years. It was all very well to call such establishments schools, but really they would be prisons, in which children might be kept away from their parents until reaching the age of fifteen years. That, he contended, was an interference with the parental authority of the poor which should be regarded with extreme care, if not with jealousy. They all knew what a charge of begging or vagrancy might mean. A policeman might take up any child he found selling matches or flowers, or sweeping a crossing, or (unless he belonged to Lord Shaftesbury's favoured brigade) cleaning shoes, for in the city no one was allowed to clean shoes unless he belonged to a brigade which had a religious as well as an industrial organization. They all knew that many of the children in London who sold matches and swept crossings did so rather as a pretence for begging, but he should be sorry to see the day when any one would advise so un-Christian a course as to put a stop to the harmless industry of those poor people, although it might be mixed up with what was called begging. He thought there had been of late too much interference with the poor, and he hoped the House would not carry that interference much further. His second objection arose, he admitted, upon more delicate grounds. The Roman Catholics in this country were in a minority, and, as a minority were liable to go to the wall unless they kept a sharp look out, they were obliged to take every means of protecting themselves, even at the risk of sometimes being placed in an invidious position. The hon. Member for North Staffordshire (Mr. Adderley) had spoken of the means of the Roman Catholics in this country, but he was greatly mistaken in supposing that those means were at all large as compared with the Protestant bodies. The Protestant Church had the benefit of all the endowments bequeathed by munificent founders to the Roman Catholic Church; it had tithes, and, although perhaps only for a short time, church rates. He would point out to the House the working of this Bill with regard to the poorer classes of Roman Catholics. In London, Liverpool, and other large towns there was a numerous class of poor Irish children exercising the miserable employments to which he had already called the attention of the House; and if the vagrancy law were strictly enforced the greater portion of these children would be brought under its operation. When this Bill was first introduced there was in it an extraordinary provision by which the police were entitled to take up children without any offence whatever being committed, and bring them before a Magistrate. The hon. Baronet (Sir S. Northcote) who then had charge of the Bill made an alteration in this respect, and provided that the police should not be at liberty to take up children without any charge, but when they were brought upon a charge they were to be dealt with according to the provisions of the Bill. This improvement was, however, rather nominal than real. The police did not now sweep the streets of these poor children, because the magistrates would not know how to deal with them when in custody; but this Bill enabled magistrates to dispose of them. The children might be brought upon a charge of vagrancy, and then the magistrate had power to send them to a school. In the first instance all the schools would, no doubt, be Protestant—very good schools probably for purposes of education —but it should be borne in mind that Roman Catholics deemed it important that these children should keep their religion. They wished to see them educated, but in their view the most important thing was that they should keep their religion. They would, however, be sent to Protestant schools, where they would lose their religion. The Bill provided that before a child was sent to school notice was to be given to the parents or the persons with whom the child had been residing; but these poor people were in very humble circumstances, and generally speaking were so afraid of the police and of the magistrates, that they would not come forward to claim a child in such a case, so that, practically, the notice would have no effect. But supposing parents or relations did come forward, they could not remove the child, if they disapproved the school, unless they gave security to pay the expense of removal. Now, considering the poverty of these people this would render the clause perfectly nugatory. He hoped the House would appreciate the motives he had urged for opposing the Bill, and, although he did not impute to the hon. Gentleman (Mr. Adderley) any intention to proselytize by means of this Bill, yet the Bill would, nevertheless, have that effect, and be most oppressive to a very poor class of people. For these reasons he should oppose the second reading of the Bill.

LORD ROBERT CECIL could not see the force of the hon. and learned Gentleman's objection founded on the shortness of time given to peruse the Bill. It was a Bill of only seven pages and could be read in a quarter of an hour, and besides, it was exactly the same Bill that was brought forward in the last Parliament. The hon. and learned Gentleman seemed to wish the establishment of the Lazzaroni system of Italy in this country. He told the House that to take up vagrants who were guilty of begging and keep them in prison disgraced us in the eyes of foreigners, and that we ought to assimilate the law of England, in this respect, to that of foreign countries. [MR. BOWYER: No, no!] He could only say that the hon. and learned Gentleman referred to the opinion of foreigners on the subject, and represented them as calling our vagrancy laws a disgrace; but certainly the Lazzaroni system of the Italian States was not a wholesome system, or one that ought to be copied in this country. If the hon. and learned Gentleman had read the little book containing the Standing Orders of the House he would have seen that it was not competent for any Member of the House to call any statute of the realm "odious;" and when he used that term he ought in strictness to have been called to order. [MR. BOWYER said he had spoken it merely in a legal sense.] It might be a legal expression, but in that House it was certainly a disrespectful one. The object of this Act was not to increase the stringency of the vagrancy laws, but to prevent children from falling under their operation. It was not true, as the hon. and learned Gentleman said, that a child could be taken and kept in prison till the age of fifteen in spite of parents or relatives. If the parent or any other person could show that the child had a chance of getting an honest way of living, that moment the child would be restored. The hon. and learned

Gentleman wanted them to believe that in case a child were sent to a Protestant school he could not be removed to a Roman Catholic school. He said the Roman Catholic community were very poor, and perhaps they were; but the case of Alicia Race would be in the memory of the House. The Roman Catholics found funds enough to draw her from a Protestant school, and, if they could get money to do that, they would find little difficulty in procuring what was necessary to remove a child from one of these schools. What was the real case as regarded these poor children? Their parents could not support them, and they were compelled to seek a living by begging, or by worse means, so that in course of time they found their way into the gaol, or into one of our penal settlements. This Bill proposed that they should be taken from the streets, placed where they would receive a good education, and put in the way of earning an honest livelihood. But the hon. and learned Gentleman (Mr. Bowyer) came forward and said, "No, you may wish to save them from immorality, but we wish to keep them from becoming Protestants—we prefer to see them remain vicious rather than that they should be taken to a Protestant school." He hoped the hon. and learned Gentleman would find, however acutely he might argue this question, that he could not receive the support of the House of Commons.

Mr. PALK said, that this Bill contained so many clauses objectionable to the agricultural districts, that without taking measures to oppose its second reading he felt he should not perform the duty he owed to his constituents if he did not protest against it. The Preamble was wholly unobjectionable. At the present moment, however, through the benevolence of individuals, poor, neglected children, in danger from their situation of becoming criminals, were maintained in establishments which were supported by voluntary contributions. To that system he gave his most unqualified assent, but protested against any system which should render it compulsory upon the ratepayers of this country—which should increase those rates which year after year were more burdensome than they should be. The House would allow him to call its attention to the unconstitutional steps by which they proceeded every year to levy taxes upon this country. First of all they had the organization of our gaols, our lunatic asylums, and our police establishments, the funds for those purposes being raised not by the voices of the ratepayers, but by that of magistrates appointed by the Lord Lieutenant of the county. Nothing could be more contrary to the constitutional maxim than taxation and representation should go hand-in-hand than this system; and now another rate was proposed to be laid in the same way on the agricultural ratepayer. The effect of it might be to condemn the labourer to hopeless poverty, and thus to drive him to that very crime which it was the object of this Bill to prevent. His main objection was to the 16th and 17th clauses, which enacted that when a Justice of the Peace should order any child to be sent to one of these certified industrial schools, the Guardians of the poor of the parish to which the child belonged should pay to the managers of the school a sum not exceeding 3*s.* a week. In the first place, where were the industrial schools, and where were the funds by which they were to be supported? At present they were not visible, and the promoters of the Bill were in the position of persons asking permission to send children to places which had, as yet, no existence. If the House would reflect on the immense addition which the 16th clause would cast on the rates of the agricultural parishes they would hesitate before passing so sweeping a measure. In all these agricultural parishes there were already schools supported by private charity or by the parishes themselves, and in them there was every facility for the honest man's child obtaining an education—if not sufficiently good, yet as good as circumstances would allow. The schools within the unions themselves appeared to have been entirely forgotten by the promoters of this Bill, and before seeking to legislate for that which did not at present exist, either some attempt ought to be made to improve the union schools, or they ought to be abolished altogether. Either a system ought to be adopted which could be worked out thoroughly and efficiently without the aid of voluntary contributions, which must always be varying and uncertain, or the union schools ought to be placed on such a footing as would enable them to meet all the difficulties of the case. He did not intend to support the Amendment of the hon. and learned Member opposite, but he felt it due to the agriculturists to resist the burden sought to be thrown on them, and, therefore, in Committee he should endeavour to introduce such Amendments as would separate the agricultural from the urban parishes.

Mr. BARROW felt the strongest objection to the Bill as being an interference with the parental authority, which ought not to be tolerated in any free country. It was a perfectly superfluous piece of legislation. If its object was to remove children who were in the way of crime, or who had become criminals to a certain extent, that was already provided for by the reformatory schools, and the establishment of other schools would only bewilder those who were disposed to forward institutions already established. The child who was found beginning a course of crime might be taken up and sent to a reformatory school. He was quite ready to admit the necessity of having some class of schools intermediate between the ordinary schools and the gaols, and therefore it was that he was anxious that the experiment of the reformatory schools should be fairly tried, but he objected to the establishment of a second set of schools before that experiment had been tried. He had the strongest objection, too, to the manner in which the provisions of this Bill were to be carried out, and particularly to the provisions which allowed the policeman to select the Justices of the peace before whom he was to take the vagrant child whom he had apprehended, instead of taking him, as a matter of course, before the next meeting of justices in the ordinary petty sessions, and having the hearing in open court. The Bill carried the principle of the Reformatory Bill to an extraordinary length. By the law of the land an adult vagrant in full knowledge of the consequences of all his actions could only be punished with a month's imprisonment for the first offence, two months for the second, while for the third he must be tried at Sessions, and then could only be sentenced to six months' imprisonment; but under this Bill a child found begging in the streets might be subjected to an indefinite term of imprisonment from the time when he was apprehended — which might be at the age of five years—until he was fifteen years old. This was an amount of punishment so entirely inconsistent with the crime that he could not consent under any circumstances to vote for such a provision. In the Reformatory Bill a child who had been convicted of felony even could not be detained for more than five years. He would not enter into the political inquiry whether it would be right to interfere with the labour-market by taking children out of the hands of their parents for the period proposed by the Bill. In the agricultural districts it was of the utmost importance that a child should learn the use of his hands as well as of his head, and to keep a boy at school up to the age of fifteen would altogether unfit him for earning his bread at a future period of his life. He had another objection to the Bill. By the new Poor Law Act the management of the poor was placed in the hands of Boards of Guardians representing the ratepayers. Previous to the passing of that Act it was alleged that some of the Magistrates were too anxious to exceed the power assigned them by law, and to make extravagant charges upon their parishes; and there could be no doubt that the administration of the Poor Law by Boards of Guardians was generally preferred to that by Justices of the peace. Now, the present Bill reintroduced the old principle of antagonism between Justices and Boards of Guardians, and upon that ground, among others, he could not vote for the second reading. He believed, moreover, that the children in workhouse schools—at least in those with which he was acquainted—were better fed, clothed, and taught than the children of any labourer could possibly be; and there was, therefore, no justification for taxing the industrious classes to give to the children of the profligate a better education than the independent labourer could afford to his own children. His objections on the score of pecuniary expense were, however, far inferior to those he felt from other reasons, as his main objections to the Bill were that it attached an enormous punishment to a trifling offence, and provided for an unjustifiable interference between parent and child.

Sir GEORGE GREY did not intend to offer any objection to the second reading of the Bill, although he confessed that, the Bill having been delivered only that day, he had not been able to read it through. He supposed, however, that it was the same measure, somewhat amended, which was read a second time before the dissolution of the last Parliament, and committed *pro formâ*, with a view to the introduction of certain amendments. In the discussion of the Bill, taking place as it did on the night after the debate and division on the Chinese question, he was unfortunately unable to take any part. If so, it would require the most careful consideration in Committee, and he hoped its Mover would give to the House ample opportunity for examining its provisions before the arrival of the next stage. Some of the objections urged against this Bill by the last speaker were entitled to weight. The Bill was said to be founded upon the Scotch Industrial School Act passed at the instance of the hon. and learned Member for Greenock; but, on looking at its clauses, he found that they applied only to children who were already under the operation of the Reformatory Act in England—viz., those who were charged with offences against the law. The Scotch Industrial School Act, on the contrary, was distinguished from the Reformatory Act, inasmuch as it referred to children who were expressly declared not to be charged with any offence against the law. Perhaps the hon. Gentleman would explain in Committee why he proposed to apply this Bill to children who were vagrants and beggars, when such children were already dealt with under the Reformatory Act, and sentenced for a less time, indeed, than they would be under this Bill, but still for a considerable period, to detention in a school. There were other provisions in the Bill connected with the working of the Poor Law, to which he knew his right hon. Friend the President of the Poor Law Board was anxious to direct the attention of the House. When the Bill went into Committee his right hon. Friend would make some suggestions with regard to the clauses which affected the administration of the funds in the hands of the Poor-law Guardians. At the same time he was not prepared to oppose the second reading, but he hoped that the promoters of the Bill would afford the House some explanation upon the various points which had been raised, and would permit a considerable time to elapse between the second reading and the consideration of the Bill in Committee.

Mr. BRADY said he agreed entirely with the right hon. Gentleman, that the projector of this Bill should show cause for the Bill; he complained, moreover, that they should be called upon to debate a Bill in the evening which had only been printed in the morning; and he was perfectly convinced that nine-tenths of the Members had not read a line of it. The measure would consign children to virtual imprisonment for years without committing any crime whatever; and he considered that the hon. Member for Dundalk was quite justified in resisting the second reading of the Bill, and as for himself, he would oppose it at every stage.

Mr. PATRICK O'BRIEN said, he had found so many objectionable provisions in the Bill, that he would oppose it to the uttermost. His objection to the Bill was also founded upon another consideration. There were grave differences existing in England in reference to education, and it was now attempted by a side wind to make use of this industrial school system to interfere with a grave principle which ought only to be brought forward on well considered grounds.

Mr. B. STANHOPE gave his hearty support to the second reading. They were told they were going to send the children to gaol, but he had looked at the clauses, and only found that they were going to send the children to school. He also found in clauses 12 and 13, that they could release a child at any time, provided security was given to the State that such child could become a useful member of society. Any justice of the peace could release a child who obtained employment. If it could not obtain employment, it was better for its own sake, and for that of the community, that it should remain at school than grow up wild in the streets. He might say, further, that so far as his own county was concerned, he believed that the ratepayers were satisfied with their own control over their affairs, and did not wish, in a Bill like the present, to have general management by the Board of Guardians. For these reasons he should support the second reading, though he could not pledge himself to support all the clauses in Committee.

Mr. RIDLEY could not give his support to the Bill going beyond its present stage unless very great and general alterations were made in it. It was proposed to send the children, when brought before a Justice of the peace, to industrial schools; but the same objection appeared to him to apply to sending them to industrial schools as applied to sending them to workhouse schools.

Question put.

The House *divided:*—Ayes 177; Noes 18: Majority 159.

Bill read 2°, and *committed* for *Wednesday,* 20th May.

BANK ACTS.

SELECT COMMITTEE APPOINTED.

The CHANCELLOR of the EXCHEQUER moved the appointment of a Select Committee "to inquire into the operation of the Bank Act of 1844 (7 & 8 *Vic.* c. 32), and of the Bank Acts for Ireland and Scotland of 1845 (8 & 9 *Vic.* c. 37, 38)." The right hon. Gentleman said the Motion was similar to one to which the House agreed in the last Session. The Committee was then appointed, but only one witness had been examined when their further proceedings were interrupted by the dissolution of Parliament.

Mr. ROEBUCK wished to know whether it was the intention of the right hon. Gentleman to move that this should be a Secret Committee? The last was a Secret Committee, and it was a sort of *hocus pocus* which he did not understand.

The CHANCELLOR of the EXCHEQUER said, it had been the uniform practice of the House to have Committees of this description Committees of secrecy. The only difference between Committees of secrecy and Committees not of secrecy, but which excluded the public during the examination of witnesses, was, that in the former case Members were not able to go into the room while the examination of witnesses was proceeding, and, therefore though there was something very awful in the sound of the term "Secret Committee" there was very little difference between a Committee of secrecy and another Committee. He did not attach any importance to the Committee being a Committee of secrecy, and it was merely in deference to the practice of the House that he moved it should be so in the last Session. There was nothing in the relations between the Government and the Bank of England which the Government desired to be concealed; but he believed it was thought questions might be asked reflecting on the credit of particular establishments, or involving matters which it might not be desirable to have discussed in public during the progress of the inquiry, and considerations of this kind had led to the adoption of the precedent to which he had alluded. Hon. Members would see, if they referred back, that in old Committees of this sort even witnesses had requested that their names might be suppressed and initials only given; but the weekly returns of the Bank of England had given more publicity to financial matters than had formerly existed, and if it was the general opinion of the House, he would accede to the request that the Committee should not be one of secrecy.

Mr. MALINS said, he rejoiced that no time had been lost in proposing the reappointment of this Committee, but he should have been glad if the Government, taking into consideration the difficulties existing in the money-market, had brought forward a measure on their own responsibility, because he did not think that the labours of the Committee would lead to legislation during the present Session. At present a state of things existed which was most detrimental to the commercial interests of the country. The rate of discount of the Bank of England on the 21st of March last was 6 per cent, and on the 2nd of April it was raised to 6½ per cent, at which rate it had since remained, and one day last week the Bank of England had refused to make any advances upon Government securities. It was most essential that in a commercial country money should be procurable at an easy rate, and if the present state of things continued it would be the destruction of small operators. What had led to the present state of things was the absurd division, by the Act of 1844, of the Bank of England into two departments. As he had explained on a previous occasion, the only resource which the Bank had to operate upon was its reserve notes, and those were at present reduced to £3,500,000, and hon. Gentlemen conversant with those matters would agree with him that when the amount of reserve notes fell below £5,000,000 commercial transactions in this country could never be carried on with advantage. He would venture to say that war taxation had not been so much felt by the commercial community as was the present high rate of interest. Its effect was to make the rich richer, and the poor poorer, and the Government would find that the commercial interest were beginning to be alive to the importance of the question. The subject seemed to him to be of such importance that he had felt it his duty to offer a few remarks to the House, and his principal object in rising had been to express the hope that the Government would lose no time in bringing forward a measure upon the subject, and that they would not consider that having appointed this Committee they had discharged all their duty. His suggestion was that we should have by law the power of relaxing the Act of 1844, and so important did he consider the subject to be that unless he saw the progress made by the Committee was such as to enable the Government to legislate during the present Session, and if the existing pressure in the money-market should continue, he should before the close of the Session bring the whole subject under the notice of the House, and submit to it a Resolution for its approval.

Mr. T. HANKEY said, that from the

observations which had fallen from the hon. and learned Gentleman who had just spoken one would be inclined to conclude that absolute ruin had been brought upon the mercantile community by the operation of the Act of 1844; but he, for one, did not believe that the general rate of interest had anything whatsoever to do with the working of that Act. He did not wish that the opinion should prevail out of doors that great commercial distress existed when such was really not the case; and in corroboration of his opinion upon the subject he might add, that when in Manchester the other day, he had been informed, upon the best authority, that the high rate of interest had had no effect whatsoever upon trade, which was in a most thriving condition in Manchester, Liverpool, and in other great commercial towns. His own experience in London went to confirm that statement. The object of the Committee was merely to inquire whether the provisions of the Act of 1844 had been carried out.

Mr. HUDSON expressed it to be his opinion that to make the proposed Committee one of secrecy would be an useless proceeding, inasmuch as the Committee of 1844, of which he had been a Member, had been a Secret Committee, and yet all the evidence which had been taken before it had been published to the world. Sir R. Peel had attended most assiduously upon that Committee, and the acquisition of a great deal of information had been the result of its labours. He therefore could not understand why further inquiry into the subject should be instituted, and he thought that the Chancellor of the Exchequer should at once legislate with respect to it, if legislation should be deemed to be necessary.

Mr. A. AYRTON contended that the proposed inquiry should be conducted with the utmost vigour and should embrace within its scope every subject connected with the Bank of England, and the relation which it bore to the trade and commerce of the country. He was of opinion that, as there was no necessity for immediate legislation upon the matter, it would be highly inexpedient that the Chancellor of the Exchequer should at once introduce any measure in reference to the Act of 1844. The Bank Charter was now granted in perpetuity, but with the liability to be redeemed whenever Parliament should deem it desirable to take that course, and he might state that he had been in communication with many gentlemen of considerable authority upon the question in the City of London who believed that that charter might be altogether abrogated with great advantage to the community. There were others, however, who thought that the Bank of England should be charged with the management of the whole currency of the kingdom, with such intended powers of control as would enable it to relieve the existing commercial distress. He was not one of those who deemed that such a scheme would be attended with much success, but, as men of great practical experience differed in opinion, it was, at all events, desirable that the Committee should pursue their labours energetically, and that legislation should be proceeded with in no hasty spirit.

Motion *agreed to*.

Select Committee *appointed*. [See p. 223.]

GENERAL BOARD OF HEALTH.

LEAVE. FIRST READING.

Sir GEORGE GREY moved for leave to introduce a Bill "for transferring the powers of the General Board of Health to a Committee of the Privy Council." The right hon. Baronet in doing so took occasion to observe that the Board had originally been created in the year 1848; its members having then consisted of the First Commissioner of Woods and Forests, and two other gentlemen appointed by the Crown, one of whom was in the receipt of a salary. The original Board had, however, been dissolved in the year 1854, and a new Board had been constituted, having at its head a president, who received a salary of £2,000 per annum, he being the only paid member of the Board. By virtue of the Act, under which the department had been instituted, its powers were to continue until the 29th day of July next, and until the end of the next ensuing Session of Parliament. Paying regard, however, to the ordinary duties, which the Board had to perform, the Government had come to the conclusion, instead of proposing a renewal of the existing Board, to dispense with it as a separate department, and that such portion of its present duties, as it was desirable should continue to be discharged, should be transferred to the Council Office to be performed by the Lord President, with the aid of a Committee of the Council. If the House should agree to that proposal an immediate reduction of £3,000 or £4,000 per annum in the expenses of the department would be the result, while a still greater reduction might after some experience of the working of the new system be effected.

Leave given.

Bill *ordered* to be brought in by Sir George Grey and Mr. Massey "for transferring the powers of the General Board of Health to a Committee of the Privy Council."

Bill *presented,* and read 1°.

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL.

LEAVE. FIRST READING.

Mr. J. D. FITZGERALD moved for leave to bring in a Bill "To consolidate and amend the Acts relating to Bankruptcy and Insolvency in Ireland."

Mr. WHITESIDE reminded the Attorney General for Ireland that about twelve months ago a Resolution was passed by a Committee of that House stating that it was essential to the due administration of justice in the Irish Incumbered Estates Court that a proper place should be provided for the transaction of its business, and to which the professional practitioners the suitors could have convenient access. He added that, notwithstanding that Resolution, at that moment nobody knew why or wherefore it had not been acted upon, though it related, as they all knew, to a tribunal which from time to time disposed of an immense amount of property, and had proved to be of great advantage to the public.

Leave given.

Bill *ordered* to be brought in by the Attorney General for Ireland and Sir George Grey.

Bill *presented,* and read 1°.

THE PRINTING COMMITTEE.

Mr. WILSON moved that Mr. G. A. Hamilton, Mr. Greene, Mr. Wilson, Mr. Divett, Mr. Gaskell, Mr. Vernon Smith, Mr. Estcourt, Mr. Bonham-Carter, and Mr. Thornely, be the Members of the Printing Committee.

Sir HENRY WILLOUGHBY called the attention of the House to the enormous amount of the printing expenses, and stated his conviction that, unless some effective control were placed over the various departments connected with this subject, the evil would continue, if, indeed, it did not go on increasing.

Mr. WILSON said, the Treasury had prepared a set of rules, which he should present for the opinion and adoption of this Committee when it sat, and which he hoped would have the effect of accomplishing the object the hon. Baronet had in view. He (Mr. Wilson) quite admitted that there had been an enormous amount of unnecessary printing from first to last, and he hoped the House would assist the Government in its desire to mitigate the evil, for during some years past they had had returns moved for which were of no earthly use. The Resolutions he meant to propose would be such as would reach and control every department of the State concerned in the subject of printing, and such as he hoped would effect a material reduction in that branch of the public expenditure.

Motion *agreed to.*

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, May 12, 1857.

Minutes.] *Took the Oaths.*—The Lord Gage; Several Lords.

CIVIL SERVICE SUPERANNUATION.

The Earl of ELLENBOROUGH, in presenting a petition from the Customs Departments Clerks of Gloucester for alteration of the existing system of Superannuation, said, that the complaint of the petitioners was, that they paid a great deal into the superannuation fund and received little from it, and their prayer was that they should get more and pay nothing. Their Lordships had really nothing whatever to do with the subject. They had no power to deal with money matters, and could not make any of the alterations in the Superannuation Act which the petitioners suggested. He should look with great interest to the conduct of the House of Commons on this subject, because it would be a test of the sincerity of their desire to establish economy in the administration of public affairs. He had no doubt that Report of the Gentlemen who had been appointed to investigate the matter would suggest an improved system for the future; he had no doubt that the Government would propose some measure generally in accordance with the recommendations of that Report; but he had as little doubt that that measure would be defeated in the House of Commons, because his impression was that canvassing and jobbing would be infinitely more powerful than Her Majesty's Ministers upon this subject.

Petitions to the same effect were presented by the Marquess of BREADALBANE, the Earl of EGLINTON, and other noble Lords.

DIVORCE AND MATRIMONIAL CAUSES BILL.

SECOND READING PUT OFF.

In reply to Lord LYNDHURST,

THE LORD CHANCELLOR said, that if it were the wish of their Lordships to discuss these Bills separately, he could not object. He would take the second reading of the Divorce Bill on Tuesday next instead of Monday next.

THE BISHOP OF OXFORD, who was not in the House when this arrangement was made, appealed to the Lord Chancellor on behalf of his most rev. and right rev. Brethren to give a longer time for the consideration of the Divorce Bill. The Bill would not be in the hands of their Lordships until Wednesday, and he thought it exceedingly undesirable to proceed with such a degree of haste in so very important a matter as to take the second reading on the following Tuesday. It was of the utmost importance that the Bishops should come down to the House with their minds fully made up on a principle which touched the ecclesiastical law in a most vital point, and he trusted the noble and learned Lord would allow them a reasonable time for the consideration of the measure.

THE LORD CHANCELLOR said, he had already postponed the second reading from Monday to Tuesday. The subject was discussed at the greatest possible length last year, and was again discussed in the short Session this year. The alterations in the Bill, though very important, were very slight, and it was unreasonable to ask for further time when the whole Session might be lost by the Bill not going down early enough to the other House. The right rev. Prelate had no doubt made up his mind upon the principle, and as to the details, there would be no discussion of them until the Bill went into Committee. Their Lordships had had too frequent experience of the ill effects of postponement of this kind.

THE BISHOP OF OXFORD said, there were several right rev. Prelates who had had no opportunity of expressing their opinion upon the subject. Before making a grave alteration in the ecclesiastical law of England, the English Bishops ought to come to some understanding, if possible, of the views which they entertained. The noble and learned Lord had supplied another reason for postponement in stating that the alterations in the Bill were both slight and important. He thought sufficient time ought to be given to the bench of Bishops to consider the Bill with due deliberation.

LORD LYNDHURST reminded their Lordships that only two of the right rev. Prelates had attended a former discussion of the measure.

Second reading (which stands appointed for Monday next) *put off* to *Tuesday* next.

TREATMENT OF CHINESE PRISONERS.

QUESTION.

THE EARL OF CARNARVON, in pursuance of notice, rose to inquire into the truth of certain statements in the *China Mail* of the 5th of February last respecting the confinement of Chinese prisoners at Hong Kong; and to move for any papers connected with this subject, and with the trial of a baker and others on the charge of poisoning. He begged their Lordships to believe that he had no wish whatever to revive any discussion upon the recent unhappy hostilities in which we had become involved with the Chinese, and that he did not ask the question with any unfriendly feeling towards the Government. It was impossible to identify the Government with the facts to which the question referred. No doubt the Government were ignorant of the circumstances. It would only be necessary for him to read a few extracts from the Hong Kong papers, and when he had stated the circumstances, he was sure the Government would be as ready to give as it was the duty of the House to ask for explanation. About two months after the commencement of hostilities, as their Lordships were aware, an atrocious attempt was made on the lives of the foreign residents in Hong Kong by some Chinese miscreants introducing arsenic into the bread. By a curious coincidence, the very morning the attempt was discovered by a number of persons being seized with sickness, the baker from whose factory the bread had been issued sailed for Macao. Suspicion fell upon him, a vessel was sent in pursuit, and he was arrested; but it was only just to say he was on the point of returning to give himself up, and that he protested that, so far from being the poisoner, he, himself, and every member of his family had suffered from the effects of the bread. However, with some fifty other Chinese, he was arrested, and the following was the account of the *China Mail* of the 5th of February—

> "We yesterday morning were witnesses to a scene such as our readers will have difficulty in crediting—one we can scarcely believe would be perpetrated under the most savage and tyrannical Government, and such as no one could have ever dreamt of seeing in a British colony. We allude to forty-two Chinese crammed into a cell sixteen feet long by fifteen broad, furnished with only one small aperture for ventilation, and confined there for twenty days, with the bare and damp ground for a bed, and in this space they had to perform all the requirements of nature. Covering they required none, for, as may easily be supposed, the den was in a perfect stew, the air-hole being only eleven inches high by six feet long, and placed in the extreme upper corner of the room. We assure our readers this is a fact that can be substantiated by several witnesses. And will it be believed, too, that the miserable wretches subjected to this brutal treatment are not condemned felons, —no, for them the best of treatment is reserved —but men under no charge, against whom the most active inquiries of our most active Attorney General, enlisted heart and soul in the cause, have been unable to ferret out even a breath of suspicion. Some of them old men tottering to their graves, some mere boys yet in their teens. . . . Better far to have deported, or hanged, or shot them at once than to have exposed them to such frightful sufferings as they must have undergone during twenty days' suffocation in this black hole of Hong Kong, the walls of which are newly erected, and the plaster and floor not even dry."

When their Lordships remembered the space in which the prisoners were confined and the length of time during which they were exposed to such horrible physical degradation, the account appeared almost incredible. In England they placed a hardened and condemned ruffian in a cell about ten feet long by eight feet broad, with every comfort, so far as cleanliness and ventilation were concerned. But here they read of forty-two wretched beings in China confined in a place not much larger than twice the size of their Lordships' table, although they were untried, and, as circumstances turned out, were entirely innocent of the offence charged against them. Scarcely 100 years ago, after a gallant but unsuccessful defence, 145 brave Englishmen were thrust into a dungeon, very little larger, by an Eastern tyrant, and that place had become a byeword for extreme misery down to the present time. There were very few Englishmen who had not heard of the Black-hole in Calcutta, but the natural indignation which the recital of that atrocity excited was attended with the satisfaction that Englishmen were the victims and not the oppressors. But if these statements were true, that consolation now was denied, for in an English colony, surrounded by English laws, and in the name of English justice, one of the most barbarous acts ever recorded had been committed. It seemed that the case of those unfortunate men was not the only one of the kind which had taken place at Hong Kong, in proof of which he would read to the House another extract from the *China Mail* of the 12th of February. It was as follows—

> "We have another case to adduce, if such be wanting, of that callous indifference to the sufferings of others which marks the heads of the police and gaol departments. It may be remembered that a few weeks ago about 150 men were apprehended somewhere in the Taipingshan, but afterwards all liberated, except half-a-dozen. These men were taken up on the Friday, and placed within that portion of the gaol compound where the treadmill stands, there being no room for them in the prison itself; and there they were left all night, some of them until Sunday evening, if not longer. We say nothing of the inhumanity of leaving men thus exposed to the sun by day and the dews by night without covering of any sort, and without even a mat to lie down upon; but on the Sunday the neighbours were alarmed by their cries, and it has since been ascertained that nothing was given them in the shape of food from Saturday at 10 a.m. till Sunday at 2 p.m. —twenty-eight hours. Yet, on inquiry, we are told no one is responsible for such cruel neglect. Some one surely must be. These men, be it noted, were afterwards discharged on finding security; they were accused of no crime."

He (the Earl of Carnarvon) thought no one would deny that grave responsibility attached to the authorities at Hong Kong for proceedings such as those; and he would say that, if that was the spirit which animated our Administration in that part of our Eastern dominions, he could not wonder if among Eastern nations the English name was hated wherever it was known, or if we heard of risings against our rule from Singapore to Borneo. He begged, also, to move for all the papers relating to the trial of the baker and others at Hong Kong on the charge of poisoning; and in adverting to that subject he felt it his duty to bring under their Lordships' notice the line of conduct which the Attorney General for the colony took upon that occasion, and which appeared, if truly reported, to him most extraordinary and unparalleled. On the trial of the men in question, the Attorney General was reported in the Hong Kong journals to have said, "If technicalities of the British law procured their release the Chinese authorities would be encouraged to repeat their diabolical attempt." Again, "In a case of poisoning the mercy of the law should be restrained, not relaxed, in order to bring them to punishment." In England, on the trial of the most hardened ruffian, the prisoner was invariably told that he was not bound to say anything to criminate himself; but at Hong Kong, a British colony, the Attorney General, on the trial in question, apparently deported himself in such a manner that Mr. Bowra, one of the jurymen, thought it his duty to complain of the learned gentleman's conduct as being harsh and unjust towards the prisoners. The Attorney General appealed on the occasion, not to the justice of the case, but to the political contingencies likely to result from the proceedings. It was, if true, one of the most monstrous cases of which he (the Earl of Carnarvon) had ever heard. He trusted the Government would think it their duty to produce all the papers bearing on this subject; and if the statements he had read to the House, so lowering and debasing as they were to the English name, should be substantiated by official documents, he hoped the Government would not shrink from visiting the parties who were to blame with the censure which from their high office they were empowered and bound to inflict. The noble Earl concluded by *moving*—

"That an humble Address be presented to Her Majesty, for Copies of or Extracts from any Papers connected with the Confinement of Chinese Prisoners at Hong Kong, and with the Trial of a Baker and others on the Charge of poisoning."

THE EARL OF HARROWBY said, that in reply to his noble Friend, he certainly did not feel himself called upon to enter into the Speech of the Attorney General at Hong Kong; but he would remind his noble Friend and the House that the result of the legal proceedings at Hong Kong, in dealing with the prisoners in question, went to show, on the whole, that a full and fair trial had been given to men to whom it would be admitted on all hands strong suspicion attached of the commission of a heinous crime. So far from thinking that the administration of the law in the English Colonies was such as to warrant the strong language which his noble Friend had used, he believed, on the contrary, that it was administered there, as in the mother country, with a calmness and consideration towards the prisoners which had elicited the admiration and astonishment of foreigners of every nation. [Adverting to the statements which had been read to the House by the Earl of Carnarvon as to the treatment of the prisoners in what was called "the Black Hole at Hong Kong," Lord Harrowby proceeded to read, but in so low a tone that the purport of it was not audible in the gallery, a counter-statement, made by the superintendent of Police at Hong Kong, from which it appeared that the room in which the prisoners had been placed by him was situate on the ground floor of the building, and seemed to him a suitable place. It was, however, the only one at his disposal. This room was dry and lofty, fifteen feet square, and was ventilated by a chimney and an opening at the top, as well as by a door which was frequently opened. The air in the room was certainly close, but not of that oppressive character which had been described in the public prints. None of the prisoners were ill, and none of them died; while, with respect to their food, the usual prison rations were supplied to them during their confinement.] The noble Earl added that that was the sum of the information which had reached the Government on the subject which his noble Friend had brought under the notice of the House, and he submitted that it was not of a character to warrant the assumption that the English name had been degraded by the authorities at Hong Kong by unnecessary severities. The officers of the Government in distant colonies were in a position which involved serious responsibility; indeed their responsibility could scarcely be appreciated by residents in this country: and when it is remembered that the British representatives in China had been surrounded by men who were prepared to resort to every refinement of treachery for the destruction of the European residents, it was not surprising that the authorities should have deemed it necessary to resort to somewhat stringent measures. Under the special circumstances, an ordinance had been passed, authorizing the adoption of strong measures, and in consequence seven persons were deported, and others were imprisoned. The accused persons were tried; the trial was conducted with the most perfect fairness, and those who were acquitted were set at liberty, with the exception of one individual, who, under a special order, was kept in confinement until instructions should be received from the Home Government. Those instructions had been sent out, and they directed that if any new circumstances should have come to light since the first trial, the person believed to be the chief offender should again be brought to trial. He (the Earl of Harrowby) must say he thought that accusations similar to those made by the noble Earl ought not to be brought against officers of the British Government unless there was a reasonable presumption that the charges were well founded. There would be no objection to produce all the papers bearing upon this subject which were in the possession of the Government.

THE EARL OF MALMESBURY thought that if his noble Friend (the Earl of Carnarvon) had had as much experience as the oldest Member of their Lordships' House he could not have guarded himself more carefully than he had done against making attacks upon any persons. Indeed, the noble Earl had not said a word which could convey an impression that he himself believed in the correctness of any of the charges to which he had referred; on the contrary, he commenced by stating that he did not blame, and that nobody could blame, Her Majesty's Government for what had occurred in China, and that his object was merely to put a question to them on the subject of those occurrences. The Government were the only persons likely to be correctly informed as to the facts, and the noble Earl had only adopted the course which it was his right and duty—as it was the right and duty of any Member of that House—to pursue, in applying to the Government with the object of ascertaining the truth. Instead of rebuking his noble Friend for bringing the subject forward, he (the Earl of Malmesbury) thought the noble Earl opposite ought to have been thankful to him for doing so, because it was the interest of the Government that the truth should be known, in order that the public might not be misled by misstatements contained in newspapers published at a distance of thousands of miles from this country. The object of his noble Friend was to ascertain whether the Government had received any authentic information, and the noble Earl (the Earl of Harrowby) could not have said more than he had done in reply. He (the Earl of Malmesbury) was very glad to hear from that noble Earl that the Government had written for further information, and he hoped that when such information was obtained it would be laid before Parliament. He wished to call the attention of the noble Earl opposite to one point. A-lum and the persons who were tried with him were acquitted, and that acquittal, after the course which was said to have been taken by the Attorney General, was most honourable to the jury; but it appeared that after the trial A-lum, and nine of the persons accused along with him, were sent back to prison. He thought it a startling circumstance that men who had been publicly acquitted after a fair trial should be recommitted to prison, merely because, according to the newspapers, they were considered dangerous characters. Such a proceeding could only be justified in the most turbulent times, and he supposed that was the excuse which would be urged, supposing the statement to be true. He was very glad that his noble Friend had called attention to this subject, and he hoped the Government would institute a real *bonâ fide* inquiry, and that the results of that inquiry would be laid before Parliament, for it was essential that our officials in the Colonies should feel that no distance could secure their acts from the most minute and searching investigation.

THE EARL OF HARROWBY was understood to say, in explanation, that ten individuals had been detained in custody at Hong Kong, under special orders, as dangerous persons.

THE EARL OF ELLENBOROUGH observed that after the statements which had been made with reference to the conduct of the Attorney General of Hong Kong, the Government would probably think it right to institute an inquiry into the proceedings of that officer.

Motion *agreed to.*

House adjourned at Six o'clock till To-morrow Two o'clock.

HOUSE OF COMMONS,

Tuesday, May 12, 1857.

MINUTES.] PUBLIC BILLS.—1° Sale of Beer; Property Qualification; Aggravated Assaults; Savings Banks.

LORDS COMMISSIONERS' SPEECH—HER MAJESTY'S ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Viscount Castlerosse) *reported* Her Majesty's Answer to the Address, as follows:

"I HAVE received with much satisfaction your loyal and dutiful Address.

"IT is gratifying to Me to be assured that the measures which will be proposed to you will receive your earnest consideration, and I feel confident that you will concur with Me in My endeavours to promote the well being and prosperity of My people throughout My Dominions."

EXCHEQUER CHAMBER (IRELAND).

QUESTION.

MR. LOFTUS BLAND asked the Attorney General for Ireland whether Her Majesty's Government intended to bring in a Bill this present Session to assimilate the Court of Exchequer Chamber in Ireland to that of England?

MR. FITZGERALD said, that in the month of March last, in reply to a similar question, he had stated that he would during the recess take the opportunity of consulting the Irish Judges on the subject, and that he had now to state that he had drawn up a Bill with their almost unanimous concurrence, which he should lay before the House in a few days.

CITY CORPORATION REFORM.

QUESTION.

MR. LAURIE asked the Secretary of State for the Home Department whether the Government meant to proceed with the Corporation of London Bill this Session?

SIR GEORGE GREY said, he could not give a decided answer to the question until he had seen what progress was made with other and more important business.

PETTY SESSIONS CLERKS (IRELAND).

QUESTION.

MR. GREGORY asked the Attorney General for Ireland whether it was the intention of Her Majesty's Government to bring in any Bill during the present Session for the regulation of Petty Sessions Clerks' salaries in Ireland?

MR. FITZGERALD said, it was the intention of the Government to reintroduce in the course of the present Session the Bill which had been laid before the last Parliament with modifications.

AGRICULTURAL STATISTICS.

QUESTION.

MR. CAIRD asked the Vice President of the Board of Trade whether the Government intended to take any steps for collecting agricultural statistics in England?

MR. LOWE said, he was not aware that the Government had any such intention at present.

THE KING OF OUDE'S DEBTS.

QUESTION.

MR. FAGAN asked the President of the Board of Control whether it was intended to apply any portion of the money borrowed by the Government of India from the King of Oude [see printed Return, No. 102, 14th March, 1856] to the payment of public and *bonâ fide* debts still unpaid and payable to the creditors of that Prince?—[See printed Return, No. 140, 18th March, 1857.]

MR. V. SMITH said, that all the public and *bonâ fide* debts of the King of Oude would be referred to the Government of India, and, though he was not prepared to say that any particular sum would be allotted for the purpose of defraying them, yet any debt which was shown to be public and *bonâ fide* would no doubt be paid out of the ordinary revenues of the country.

CIVIL SERVICE SUPERANNUATION.

QUESTION.

MR. MACARTNEY asked the Chancellor of the Exchequer when the Report of the Civil Service Superannuation Commission would be laid upon the table, and whether the Government contemplated introducing, at an early day, a Bill to alter the system under which the superannuation allowances were at present provided?

The CHANCELLOR of the EXCHEQUER said, that he had been informed by the Secretary to the Commissioners that the Report would probably be presented in the course of the next week, and until they had seen the Report the Government could not come to any decision upon the subject of their inquiries.

SHIPPING DUES—QUESTION.

Mr. HUDSON asked the Vice President of the Board of Trade when he intended to introduce a Bill for the abolition of the Passing Tolls; also, whether he proposed to introduce any Bill for the abolition of the charges on shipping at Liverpool and other places, and also for taking away the power of the Trinity House at Newcastle in the appointment of pilots for the port of Sunderland?

Mr. LOWE said, that it was the intention of the Government, when the state of public business would allow, to introduce a Bill founded on some of the recommendations of the Commissioners for inquiring into the subject of the shipping dues, who reported in 1854, but it would be more convenient if he were to reserve a statement of its details until he asked for leave to introduce the Bill.

THE ECCLESIASTICAL COMMISSION.

QUESTION.

Lord ROBERT CECIL asked the Secretary of State for the Home Department whether it was his intention to bring in a Bill embodying such of the suggestions of the Committee of last Session upon the Ecclesiastical Commission as required the sanction of Parliament?

Sir GEORGE GREY said, that he hoped very soon to be able to give notice of a Bill founded on the Report of the Commissioners.

THE UNITED STATES AND NEW GRANADA.

Mr. WYLD said, he wished to put to the noble Lord at the head of the Government a question of which he had given notice. He believed it was well known that an expedition was being fitted out in the ports of the United States the destination of which was said to be the coasts of central America and the territory of New Granada. The question he had to ask was, whether Her Majesty's Government intended to station a naval force in that quarter for the protection of British interests?

Viscount PALMERSTON: Sir, in reply to the question of my hon. Friend, I have to state that the Government have stationed, or are about to station, on the coasts of Central America, on both sides, naval forces which they think sufficient for the protection of British interests; but, considering the interest—I may say the anxiety—which has been excited in the public mind by the rumours to which my hon. Friend has referred, it would be more agreeable probably to the House that I should give a short explanation of this question, and of its present position. My hon. Friend and the House are aware that some months ago there occurred a very deplorable scene of violence and outrage at the Isthmus of Panama; that a quarrel began—nobody well knew how—some people say that it was a simple dispute between a passenger and a native about a water-melon; but, at all events, it acted like a spark thrown upon a smouldering fire, which burst out into a flame, and the reciprocal dislike which had been long growing up led to acts of great violence and scenes of bloodshed which everybody must deeply deplore. The United States' Government applied for redress for the past and security for the future, but I am sorry to say that the Government of New Granada, which is not particularly celebrated for accurate recollections of duties or performance of obligations, refused compliance with those demands. Thence arose negotiations and communications between the United States and New Granada Governments, which have not yet led to any satisfactory termination. It is quite clear, I think, that that which is true in regard to private property is true also in regard to sovereignty—that there is attached to it duties as well as rights; and that the Government of New Granada is bound to provide for the security of persons and property passing along the railway through its dominions. The excuse which it gave for refusing compensation to those who suffered by these excesses was, I think, to a certain degree, its own condemnation, because it alleged that the high-handed proceedings of the passengers for a long time before had created great exasperation, and it, therefore, was not wonderful that a slight cause should produce very considerable results. Now, I must say that if they knew that this great exasperation existed, it was their duty to take measures to prevent the commission of outrages, either by foreigners upon their own subjects, or by their own subjects upon foreigners. We have been in communication with the United States Government upon this matter—a matter which evidently concerns not merely the interests of the citizens of the United States, but also those of the citizens of all other nations whose people are in the habit of traversing this isthmus. I am happy to say that the United States' Government profess the most just and honourable intentions. They disclaim any desire to occupy or take possession of any portion of the territory of New Granada, or of occupying the railway. That which they say they are naturally entitled to expect is security for their citizens in passing and repassing the isthmus by railway; and they naturally also require some redress for the injuries which were sustained upon the occasion to which I have referred. I am happy to say that their requirements are such as would be made by any Government in a similar position, and that they entirely disclaim any intention of taking advantage of this quarrel for the purpose of putting forward any unjust or aggressive demands against the Government of the State of New Granada.

AGGRAVATED ASSAULTS BILL.

LEAVE. FIRST READING.

Mr. DILLWYN, in moving for leave to introduce a Bill to repeal the Act 16 & 17 *Vict.*, c. 30, and to make better provision for the prevention and punishment of Aggravated Assaults upon Women and Children, and for preventing delay and expense in the Administration of certain parts of the Criminal Law, said, that he trusted that he should be able to show to Her Majesty's Government that the time had now arrived when some alteration in the Act of Parliament upon this subject was imperative, and that he would have their support for the Bill he now proposed. When a similar proposition was brought forward in 1853 the noble Lord at the head of Her Majesty's Government, speaking of an Amendment to the existing Act, moved by his Friend Mr. Phinn, then Member for Bath, by which Amendment it was proposed to inflict corporal punishment for aggravated assaults upon women and children, asked the House first of all to try the remedy then proposed, and then if it failed he should not oppose the introduction of some stronger measure. Experience had shown that such a measure was now necessary, the offence in question not being perceptibly affected by the Act in question, and being very far indeed from a light one. He said this Bill was similar to that which he introduced last year, and one of his reasons for proposing it again was, that he had a new House to appeal to on the subject. He did not intend his measure to apply to cases in which a man had simply struck a woman, although that was unmanly enough, or had reasonably chastised a child. The cases with which he wished to deal were those in which a man, infuriated by evil passions or by drink, knocked down, kicked, trampled upon, and dragged by the hair the unfortunate victim of his brutality, or systematically beat a young child. To show that such cases really occurred, he quoted two cases from the police reports of the last year. In the first of these cases, which was tried at the Westminster Police-court—

"William Eberland, a tinker, living at Maidenhead-court, St. Ermine's-hill, Westminster, was charged with cruelty to Ellen Eberland, his child, aged twelve years.

"Complainant, a wretched picture of misery and neglect, said,—The defendant is my father. I have a mother, who lived at home with us, but is now in prison. My father beat me last night with a whip, because he had left some money on the shelf, which got lost, though I knew nothing about it. My father was drunk; he never beats me when he is sober. My mother has been away a long while. My two little sisters and brother were the only persons in the house. He took me out of bed, and beat me with the whip. I had nothing on but my chemise. I cried out till a woman came into the room, and then I went down stairs, and was taken to the workhouse.

"Ferris Carr, 206 B, said,—About half-past 1 this morning I was fetched to the house. I went upstairs and found the child naked, excepting a bit of a skirt round her body, bleeding from the shoulders and back. The prisoner had got a gutta percha whip in his hand, which he threw away when I entered. I told him I should take him to the station, when he said, 'I'll throw you out of the window.' I got assistance and took him into custody. He was drunk, but knew well what he was about.

"Mr. Arnold: What was the condition of the children?

"Witness: Most wretched; I never saw anything so bad in my life.

"Mrs. Elizabeth Perry, the next witness, said, —I was passing and heard shrieks and cries. I heard the poor child say, 'Father, father, pray don't beat me any more, I'll try and find the money;' but he kept on beating her. A woman told me he had been beating her for two hours. I went to her; she had no skirt on. She was naked. I put the skirt on her, and covered her with the shawl she now wears. I noticed her back. She had been much beaten about and ill-used. I saw blood from the marks of the whip on her back and shoulders.

"The child was here examined, and her back appeared one mass of severe lacerations, reaching from the shoulders down to the waist. The gutta percha whip (a stout riding whip with a thin point) was produced in court.

"A sergeant said that besides the lacerations exhibited on the body and shoulders, the child's legs were literally covered with wounds.

"A nurse from the workhouse proved that the child's back was bleeding very much. There were similar injuries on both thighs and the calves of the legs. All the children were in the most filthy state.

"A next-door neighbour to the accused proved hearing fearful cries of distress from the child for half an hour. She remonstrated, but he continued to beat her. Witness never heard cries before.

"The case was adjourned, in order to procure the evidence of other persons in the same house to show prisoner's previous treatment of the child."

In the second—

"James Martin, a carpenter, was charged before Mr. D'Eyncourt with cruelty to his wife.

"Bristow, N 59, said, at two this morning, while on duty in Hoxton, I heard the sobs of a woman in Founder's-place, and on going a little further found the prisoner's wife crying, with a little child, which was almost naked, in her arms, and six other children in grief clinging to her. She said her husband had turned them all out, and on my asking why he had done so he invited me in. I refused, and as the woman and children came trembling up he exclaimed to his wife, with an oath, that he 'would give it to her,' and dealt a kick at her with all his force. The woman did not cry out, but I seized him, saying I could not see him commit such violence as that, and he instantly exclaimed 'I'll do for you, and struck her with his fist in the face. The blow, in my opinion, was struck as hard as he could hit her, for she reeled staggering against the wall of the passage, and when I saw her face full half an hour afterwards it was very badly swollen. The man was somewhat the worse for drink, while the woman was perfectly sober, and, as she refused to charge him, I took him to the Robert-street station and charged him myself.

"Mr. D'Eyncourt: I find that half the outrages upon women brought here arise from drunkenness. What do you say to the charge?

"Prisoner: Why, I don't recollect much about it. I have not had any work since Christmas.

"Mr. D'Eyncourt: And yet you can find money enough to get intoxicated, and while in that state ill-treat your wife and turn her and the whole of your children into the street at two in the morning. This is really too gross; you will go for two months' hard labour in the House of Correction, where, in spite of your inclination to the contrary, you will be kept sober, and when you come out of prison do remember the ties that bind you, and try and keep sober in consideration of your wife and her helpless children. (To the officer of the district.) You will see if a little assistance is not wanted by his family during the man's imprisonment."

Cases infinitely worse than these had occurred, but, as he did not wish to overstate his case, he would not refer to any others. The crime was one of frequent occurrence. In order to ascertain what effect the liability to a long imprisonment had in deterring persons from committing such assaults, he had moved for certain returns, by which he found that in the years 1854, 1855, the total number of convictions for this offence in the metropolis was 877. During the course of last year the number of convictions in the metropolis under the present Act were 374, and although the number was smaller than that of the preceding year, the diminution was very small, and there were a great many cases in which men who had been previously convicted of aggravated assaults were again brought before the magistrate charged with the same offence, — a circumstance which clearly proved that the present punishment of a lengthened imprisonment was inadequate to deter men from the commission of those assaults. In the Bill which he now asked for leave to introduce, he proposed to give power to inflict the only punishment which he believed would tend to check the offence. He proposed to diminish the term of imprisonment, but at the same time to place in the hands of the magistrates a power of ordering the ruffians a sound flogging, which was the only thing, he believed, that would be found really effectual. When he had brought forward this subject before, one of the leading prints had entirely mistaken the object he had in view, and had spoken of it as an interference between husbands and wives. In reality, it was not a question between a man and his wife, but between man and woman—between brute force and helpless weakness, as was easily proved; for during the past year, in the Hammersmith Police-court, out of forty-seven of these assaults, only twenty-seven were committed upon wives, while there had been one upon a sister, fourteen upon strangers, and five upon children. He hoped, therefore, that there would be no misapprehension that he intended to interfere between a man and his wife. The evil existed to a great extent, and having tried both fines and imprisonment, he appealed to the House to try something which the perpetrators of it would feel. Generally he was averse to corporal punishment, but in these cases he thought it deserved. The hon. Gentleman concluded by moving for leave to bring in a Bill to repeal the Act of the 16 & 17 *Vict.* c. 30, and to make better provision for the prevention and punishment of Aggravated Assaults upon Women and Children, and for preventing delay and expense in the administration of certain parts of the Criminal Law.

MR. BENTINCK seconded the Motion.

SIR GEORGE GREY said, he had no great confidence in the efficiency of the remedy proposed, but would offer no objection to the introduction of the Bill; he wished, however, to add that in his opinion the hon. Gentleman had incorrectly assumed that the Act at present in force had been inoperative because a great number of cases of assault had been brought before the police-courts. The great object of that Act was to provide a remedy by affording immediate means of punishment. Before that Act it was found that in cases of Aggravated Assaults it was necessary to send them to sessions, and then in a vast majority of cases the sufferers would not come forward to give evidence, and the culprits escaped. That Act, however, provided that the person committing an assault could be brought before a magistrate immediately after the injury had been inflicted, and be summarily sentenced to six months' imprisonment with hard labour. Under these circumstances, no doubt, a greater number of cases were brought under the notice of the public than had been under the previous system; but still he had no doubt that that Act had in reality tended to diminish the actual number of these assaults. It had not, nor had any criminal act, put a complete stop to the crime which it was intended to reach, but it had produced results decidedly beneficial, and they would do well to pause and examine the matter well before they adopted an experimental remedy. If any further remedy, however, could be proposed, it was the duty of the House to take it into consideration, and he should not therefore oppose the introduction of the Bill.

Leave given.

Bill *ordered* to be brought in by Mr. DILLWYN, Mr. BENTINCK, and Viscount RAYNHAM.

Bill *presented*, and read 1°.

Mr. Dillwyn

SALE OF BEER—COMMITTEE.

RESOLUTION. BILL PRESENTED. FIRST READING.

MR. HARDY moved, that the Acts to Regulate the Sale of Beer be read at the table.

Acts read.

House in Committee.

MR. HARDY rose to move for leave to bring in a Bill to amend the laws relating to the general sale of beer by retail, and to regulate certain places of public resort, refreshment, and entertainment; and observed, that it was not his intention to occupy the Committee with any lengthened remarks in introducing this measure, because it was before the House last Session, and it was quite clear that the subject to which he referred required legislation. Indeed, the Secretary for the Home Department stated, only a few days ago, that the whole of the licencing system required consideration, but at the same time did not hold out any expectation that the Government, either in this or in any other Session, would introduce a measure upon it. [Sir G. GREY: I said that I should not oppose its introduction.] But even if it had been the intention of the Government to have done so, he should have felt it to be his duty to persevere with his Bill, in favour of which he had received the strongest assurances of support from all parts of the country. Now, without referring to the details which had been laid before the Committee who had sat upon the subject of the Bill, he should content himself with appealing to the experience of those hon. Gentlemen who were accustomed to act as magistrates and grand jurors whether that subject was not one which demanded the most careful scrutiny?

At present there was an extraordinary anomaly existing in connection with it to which his attention had been particularly directed, and which consisted in the fact that there were two descriptions of houses licensed for the sale of intoxicating liquors —namely, those public-houses which had been established for the sale of wines and spirits, and those houses known under the name of beer-shops, which had been established since the year 1830. Now, it seemed to him to be somewhat remarkable that the latter class of houses, which had originally been licensed for the purpose of meeting the wants of the poorer classes of society by supplying them with a wholesome beverage, which they might either drink on the premises, or carry home to their own houses, should be permitted to receive their licenses without any satisfactory examination being entered into as to the characters of their proprietors or the general fitness of the establishments themselves, while the higher class of public-houses were liable to a much stricter scrutiny. It was also, in his opinion, a great anomaly that, when magistrates in the exercise of their jurisdiction deprived the keepers of public-houses of their licences in consequence of some misconduct, those very persons, as a matter of every-day occurrence, opened beer-shops for the sale of intoxicating liquors, under the very noses of the magistrates, and gathered around them the very class of people who had previously been their customers, and who had brought their establishments into disrepute. He wished, therefore, to see both descriptions of houses placed upon the same footing, and the main object of this Bill was, that beer-shops should be licensed in the same manner as public-houses. It had been said that the question was one with which it was difficult to deal on account of the amount of capital which was invested in the trade ; but he had also directed his attention to that point, and he did not propose to interfere with the existing beer-shops, which would still continue, as at present, under the Excise while in the same hands, unless by some misconduct upon the part of their proprietors they were brought under the cognizance of the magistrates. When such an occurrence took place, he proposed that the person who sought to obtain a licence should go to the magistrates and not to the Excise, as was at present the case. He wished, moreover, to extend the operation of the Tippling Act, and thus to put a stop to that system of giving credit in beer-shops which was the cause of the ruin of so many families. It constantly happened that men under the influence of intoxication ran up considerable scores at those places, the payment of which they always disputed, for a man when drunk could not tell what quantity of liquor he had had, and the consequence was that the County Courts were very frequently occupied in trying actions for debts of that description, which under the beneficial rule which prevailed in the old Courts of Request could not lawfully be recovered. That was an evil with which the Bill proposed to deal. There was also another matter, in reference to which he wished to make a few remarks.

A question had been asked as to the manner in which he would treat places of public entertainment—not public-houses in the ordinary sense of the word. That question was gone into very fully by the Committee of 1853-54, and the result of their inquiries was to convince him that it would be beneficial to place coffee-shops, and places of that description where spirituous liquors were not sold, under the superintendence of the police, and to regulate them so, that if their proprietors happened to lose their licences for misconduct, a certain time should elapse before the licence could be renewed; and his firm conviction was, that by making these coffee-shops more respectable, a great benefit would be conferred upon the classes by whom they were frequented. He had heard a great deal said upon the subject of unfair licensing, but he felt assured that anybody who had paid attention to the report of the Committee must perceive that the imputation of unfairness which had been cast upon the magistrates was to be attributed rather to the colouring which disappointed applicants for licences had given to their acts, than to any want of fairness in those acts themselves. As the right hon. Baronet the Secretary for the Home Department had informed him that he would not oppose the introduction of the measure, he should not trouble the Committee further, but would at once conclude by moving to *resolve*—

> "That leave be given to bring in a Bill to amend the Laws relating to the general Sale of Beer and Cider by retail in England, and to regulate certain places of public resort, refreshment, and entertainment."

MR. KER SEYMER regretted that the hon. Gentleman had not asked for leave to introduce two separate Bills to effect the two distinct objects which he seemed to have in view—namely, the licensing, under certain restrictions, of coffee as well as of beer-shops. There was no doubt in his (Mr. Seymer's) opinion that coffee-shops and similar places of public entertainment, did require regulation, and that they ought to have a moderate licence imposed upon them as a means of bringing them from time to time under the cognizance of some public authority. If his hon. Friend had brought forward a Bill to effect that object, he would have had his support. He, however, not only did so, but proposed to carry to a greater extent the anomalous state of things in reference to public-houses and beer-shops which had been already condemned by the report of a Committee of that House. That anomaly of having two classes of licensed houses for the sale of wine, spirits, and beer, the Committee had suggested should be got rid of by granting but one licence, and by the institution of a strict investigation into the character of those establishments. No magistrate, however, ought to be called upon to decide what were the wants of a district or neighbourhood; and the present system under which the beer trade was regulated involved, in point of fact, the question of monopoly or free trade. His hon. Friend, however, had adopted a different course, and as he (Mr. Seymer) believed the question involved in the Bill to be one of principle, he should most certainly oppose it when it came on for second reading.

Sir JOHN PAKINGTON said, that he felt great regret that Her Majesty's Government would not deal with the subject of the Bill instead of leaving it in the hands of a private Member. He was a Member of the Committee which had just been referred to, and should much have wished to see legislation follow on their Report. The evils connected with the existence of the present state of things was so great that he for one felt disposed to support any measure by which relief from those two evils could be obtained. He could not, however, hope that his hon. Friend near him was likely to carry his Bill to a successful issue, considering the brief period which would probably elapse before the close of the Session, and he therefore was anxious to ascertain from the right hon. Baronet the Secretary for the Home Department whether, considering that the Committee had been presided over by a Member of the Government — had been promoted entirely by the Government— and that fourteen years had elapsed since their reports were presented to the House, he could hold out any hope that in the next Session of Parliament the Government would themselves bring in a Bill upon the subject? If any such hope could be held out, although he could not pretend to say what course his hon. Friend might choose to adopt, he should advise him not to press his measure now, but wait the appearance of a Government Bill.

Sir GEORGE GREY said, that the hon. Gentleman who asked for leave to introduce the Bill under the notice of the Committee had last Session brought in a similar measure, which had stood for a second reading, but which the House had never had an opportunity of discussing at that stage of its progress. He had therefore informed the hon. Gentleman that he should offer no opposition to its reintroduction. He had not, however, pledged himself to support the Bill, and he might now state to the Committee that he had received several communications expressing the strongest desire that it should not pass into a law. The enormous amount of capital which was invested in the beer trade rendered it necessary that the question should be dealt with with the utmost care. Coffee-shops might be much more easily regulated than the other establishments to which reference had been made, but he must at the same time observe that he did not think it would be advisable to consider the two classes of houses separately. In answer to the right hon. Baronet the Member for Droitwich, he could only say that the Government had no intention to introduce a measure to regulate the sale of beer during the present Session, nor could he make any promise with reference to the introduction of a Bill next year which would justify him in asking the hon. Gentleman opposite to withdraw the Bill which he had submitted to their consideration. They must, first of all, see what were the evils it was desired to remedy, and also the difficulties in which the subject was involved. The discussion on the second reading of the present Bill might clear the way to a considerable extent; but if the measure was the same as that introduced last year, he was afraid he could hold out very little hope of its receiving the support of the Government.

Mr. HARDY, referring to the observations which had fallen from the hon. Member for Dorset (Mr. K. Seymer), said, that if the hon. Gentleman should introduce a Bill in strict accordance with the suggestions contained in the Report of the Committee, but — as he (Mr. Hardy) should undertake to show — not in accordance with the evidence, he should be prepared to offer to it as strenuous an opposition as the hon. Gentleman had promised to offer to the measure under the notice of the Committee. It had been said that the Bill he proposed was contrary to the principle of free trade. But the report of the Committee was not in favour of free trade. It was free trade with a prohibition, for it was recommended to put on such a duty as would prove a prohibition to all but the richer class of tradesmen.

Motion *agreed to.*

Resolved, "That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Laws relating to the general Sale of Beer and Cider by retail in England, and to regulate certain places of public resort, refreshment, and entertainment."

House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. HARDY and Mr. HEADLAM "To amend the Laws relating to the general Sale of Beer and Cyder by retail in England, and to regulate certain places of public resort, refreshment, and entertainment."

Bill *presented,* and read 1°.

PROPERTY QUALIFICATION BILL.

LEAVE. FIRST READING.

MR. LOCKE KING, in moving for leave to bring in a Bill to abolish Property Qualification for Members of Parliament, said that it appeared to him a fitting time for bringing the question forward when the whole House, with some few exceptions, had been so recently compelled—many of them at some trouble and expense—to hand in a statement of their qualifications. The present state of the law was surrounded by anomalies. He was well aware that it was still considered by some to be desirable that differences and anomalies in the qualifications of electors should be kept up—that while an inhabitant in one locality was represented if he occupied a house of a certain value, an inhabitant in another locality must occupy five times as much in value in order to be an elector. He could not understand why there should be anomalies among the elected — but county Members were obliged to have a property qualification of £600 a year, while borough Members were only called upon to show a property qualification of £300. Gentlemen north of the Tweed were elected without any property qualification at all. Members for the Universities, the eldest sons of Peers, and the sons of knights of the shire also took their seats without producing any property qualification. When he compared those Members who produced a property qualification with those who were exempt from this necessity, he could not see that the Members for counties, and for England, Wales, and Ireland generally, were so superior to those from Scotland and the Universities as to show the necessity for the distinction. Among other anomalies which the present state of the law presented, it would be in the recollection of many Members that an hon. Gentleman had a seat in that House, and remained a Member of it for forty years. He sat as the eldest son of a Peer, and at the general election after his father's death he continued to sit without handing in his qualification. Had it not been for the leniency of the House in acceding to a Motion that he might be allowed to hand in his qualification, this Gentleman might have been in a serious dilemma. The case of the son of a knight of the shire was another absurd anomaly, for if re-elected after his father's death he could not take his place without handing in his qualification. But the strongest argument of all was that supplied by the right hon. Gentleman in the chair. He had been unanimously elected by the House, and the Crown had approved the election; yet the right hon. Gentleman stood upon the steps of the chair, and before he could take his seat in it, was obliged to hand in a statement of his qualification. The property qualification had its origin at a period when it was considered desirable to shut out the trading classes from the House, and an actual qualification, in landed property, was accordingly insisted upon. But that necessity for a qualification had been removed, and the trading classes were now allowed to sit without landed qualification if they possessed the requisite amount of personal property. If Members were elected by universal suffrage there might be some argument in favour of a property qualification, but as there was no approach to such a state of things, he saw no reason for any longer insisting upon a property qualification. He would accordingly move for leave to bring in a Bill to abolish the Property Qualification for Members of Parliament.

VISCOUNT PALMERSTON: Sir, I thought it had been the understanding of the House that all questions connected with the representation of the people in Parliament and the organization of this House should be postponed until next Session, and should not be brought into discussion in the meantime. At the same time, if my hon. Friend is desirous, as he may well be, of laying before Parliament the ideas that he wishes to see embodied in a Bill on this subject, I am not going to oppose his intention. It will be satisfactory to him, no doubt, to lay before Parliament the arrangement that he prefers to see adopted in the place of that which exists. Under these circumstances, I hope he will not think it amiss if I abstain from entering upon a discussion of the Bill that he proposes, that I approve of it, and I hope he will forgive me if I say that he has not stated any very conclusive grounds why we should agree to the change he proposes. It appears to me that my hon. Friend has himself acted on the understanding that exists, that discussion on these subjects is not desirable during the present Session. I trust, therefore, he will not complain if I follow his example; and if, while he has not given us any reason in favour of his Bill, except that there are anomalies at every point in in our legislation, I should, on the other hand, abstain from entering into a discussion or from offering any objection to the Bill, I shall not offer any obstruction to the introduction of the Bill, but I hope my hon. Friend will be content to let his Bill lie on the table for consideration between this and the next Session of Parliament.

Leave given.

Bill *ordered* to be brought in by Mr. Locke King, Mr. H. G. Langton, and Mr. Cobbett.

Bill *presented*, and read 1°.

BANK ACTS.

COMMITTEE NOMINATED.

On the Motion of the Chancellor of the Exchequer, it was agreed that the Select Committee on the Bank Acts should consist of the undermentioned twenty-five Members.

Committee *nominated*—The Chancellor of the Exchequer, Mr. Disraeli, Sir James Graham, Mr. Spooner, Mr. Gladstone, Mr. George Alexander Hamilton, Sir Charles Wood, Mr. Glyn, Mr. Wilson, Mr. Cayley, Sir Francis Baring, Mr. Vance, Mr. Weguelin, Mr. Hildyard, Mr. Hankey, Mr. Blackburn, Mr. M. Tucker Smith, Mr. Fergus, Mr. Hope Johnstone, Mr. John Lewis Ricardo, Mr. Ennis, Mr. Tite, Mr. Puller, Mr. Ball, and the Earl of Gifford:—Power to send for persons, papers, and records; Five to be the quorum.

Report of last Session *referred*.

SUPPLY.

Committee on Motion, "That a Supply be granted to Her Majesty."

Viscount Palmerston

Lord Commissioners' Speech *referred*.

Motion *considered*.

Lords Commissioners' Speech read.

Resolved, "That a Supply be granted to Her Majesty."

Resolution to be reported *To-morrow*.

House adjourned at half after Six o'clock.

HOUSE OF LORDS,

Wednesday, May 13, 1857.

Their Lordships met; and having gone through the business on the Paper,

House adjourned at Three o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, May 13, 1857.

Minutes.] Public Bills.—1° Election Expenses; Court of Chancery (Ireland); Grand Juries (Ireland) Act (1836) Amendment; Medical Profession.

2° Judgments Execution, &c.

JUDGMENTS EXECUTION, &c. BILL.

SECOND READING.

Order for the Second Reading read.

Mr. CRAUFURD rose to move the second reading of the Bill, which he said he had the misfortune of having had in hand these four years; and it was his duty now to explain its objects and provisions for the information of those Members who had not had seats in the last Parliament. The object of the Bill was to remedy an existing anomaly in the practice of our judicature which prevented the execution of any judgment except within the jurisdiction of the particular Court which issued it. At present, when a creditor obtained judgment in any of the courts in England, Ireland, or Scotland, he could not act upon it in the other two. A judgment obtained in any one of the three kingdoms was, in fact, treated as a foreign judgment in the others, and could only be proved as the foundation of further proceedings in the other courts. In the case of a judgment obtained in England, for example, the debtor could evade it by passing over to Ireland, and before the creditor could touch either his person or property, he must bring a fresh action in an Irish Court and obtain a fresh judgment before he could have execution from that court. But this was not all. The debtor might then proceed to Scotland, where the same process would have to be gone through over again, so that the creditor might be put to the expense of bringing three actions and obtaining three judgments before he could enforce his rights. In a kingdom which called itself "the United Kingdom," such a state of things appeared to him not only anomalous and absurd, but what was of much more importance, very little conducive to the interests of a commercial community. This anomaly the present measure proposed to remedy, by introducing the broad principle, that instead of a fresh action, a simple registration of the judgment shall be sufficient; and his Bill provided, in effect, that when a judgment was obtained in any competent court in any one of the three kingdoms, an official notification of it in a form provided should be sufficient ground to authorize any competent tribunal in the other two to issue execution, or to take such other step as might be necessary to give to the creditor the full benefit of the judgment he had obtained. Such was the plain and simple object of the Bill. By agreeing to the second reading, the House would do no more than sanction its principle, leaving the details to be altered and amended in Committee. It was true that many objections had been raised—and by none more than by the hon. and learned Member for Enniskillen—against the mode by which he proposed to carry out his object; but those were details which were proper for the consideration of a Committee. He did not propose to alter the law, or to touch upon the jurisdiction of any one court in either kingdom; while the mode he proposed appeared to him to be that which was most acceptable to the country, and one which would entirely avow that interference with the national prejudices either of Scotland or Ireland, which had excited so much comment. He had adopted several Amendments which had been suggested by hon. Members from various countries, and among them those which had been suggested by his right hon. Friend the Attorney General for Ireland—so that he hoped the Bill would be acceptable to that country; and also some which were applicable to Scotland. He therefore hoped that the Bill would receive the approbation of the House.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Colonel FRENCH said, that if this Bill had been of the simple character the hon. and learned Gentleman pretended, it would scarcely have encountered such general opposition. He thought, on the contrary, that it would produce universal confusion, and was an attempt to inflict on England and Ireland the barbarisms of the Scotch law, and to destroy the last vestige of the nationality of the different countries of the United Kingdom. It had been clearly shown, when the Bill was before the House last Session, that, under its operation, a man who had gone to Scotland to enjoy the shooting might find, without any previous intimation being given, an execution upon his house and property for a debt contracted in England. The Bill had received the opposition of every Irish Member, and yet the hon. and learned Gentleman persisted in pressing it upon the House, refusing to take the advice given him by the Lord Advocate to confine its operation to England and Scotland. The Irish Members had resolved to offer it every opposition in their power; and considering the pressure of public business, and the obviously bad character of the Bill itself, he should move as an Amendment that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. L. BLAND seconded the Amendment. He thought he should be able to show, under the existing commercial circumstances of the three countries, and also as regarded the peculiar laws of the three countries, that, although this Bill professed to give reciprocity to the three kingdoms in respect of judgments, yet in reality the alteration in the law would be against the country of which he had the honour to be a Member—not only were the Irish commercial community against the proposed change in the law, but also this measure was opposed by all classes in Ireland, and by all her Members, without reference to party or political feelings; they looked upon it with suspicion and distrust, and considered that the balance was decidedly against them. To make the Bill reciprocal and just, the law in all three countries should be the same both as to procedure before, and remedy after judgment; yet it was admitted that in both the law of Scotland was essentially different from that of the other parts of the United Kingdom. Then, again, there was a difference in effect between the operation of a judgment obtained in England and of one obtained in Ireland. In Ireland a peculiar system of registering judgments prevailed, which gave them the force and effect of a mortgage, so that they were of greater efficacy there than in this country. But if the Bill passed into law, an English creditor would be able to proceed upon a judgment obtained in England, and to seek execution in Ireland, and avail himself of these remedies, while a judgment obtained in Ireland by an Irish creditor executed in England, would be of less force and effect against a debtor's lands and tenements in England. The hon. and learned Gentleman had said, when he obtained liberty to introduce this Bill, that he would adopt the Amendments proposed by the right hon. and learned Attorney General for Ireland; but he (Mr. Bland) found that a most important Amendment, which was placed on the paper in March last, had not been adopted. This Amendment was to give the Court where the judgment was entered up full control over it, and the clause ran thus:—

> "That every judgment or decree registered under this Act should be subject to the jurisdiction of the Court in which the judgment was registered, to all intents and purposes, as if it were a judgment of the Court."

That clause contained a great principle, but it was omitted from the present Bill. The commercial community in Ireland considered that the measure would give facilities for fraudulent collusion, and preference in cases of bankruptcy, because, if a commercial house in Dublin or Belfast gave a judgment to a creditor in Manchester, it might be used by the latter to obtain a fraudulent advantage. Another objection entertained against the Bill was, that it would tend to centralize much of the legal business of Ireland in London. The hon. and learned Gentleman had not been able to show by any return that any practical grievance existed. There were plenty of law reforms in which the hon. and learned Gentleman would have the co-operation of all persons; but this was not one of them. Under these circumstances, considering the general objection of the legal profession, of the commercial classes, and the community at large in Ireland to the measure, he cordially seconded the Amendment.

Mr. AYRTON said, that he thought a Bill of this kind ought not to be discussed on any grounds of nationality, but on the broad ground of whether it was or was not a measure of law reform. For his part, he would support the Bill if he were satisfied that it was really a measure of law reform; but it appeared to him to be, in that respect, a proceeding entirely in the wrong direction. There was at present a demand for a codification of the law, but while they made that demand they should be careful to have their legislation consistent with the codification which they required. This measure appeared to him to interfere with the prospect of a general codification; because, as there were three codes of law, and three modes of procedure in the three kingdoms, they would, by passing such a measure, decide that that difference of code and procedure should exist. Looking to the case of England alone, he thought it would certainly be a most inconvenient thing for a person who happened to be on a visit to Ireland, to find that a judgment recorded against him in England was brought against him in Ireland, without having received any notice whatever of what had taken place. Perhaps, before moving in such a question as this, the first step ought to be, to consider whether a more summary mode of procedure in certain cases than now existed could not be adopted. They had recently considered the case of summary judgments when there were good grounds for giving them, and it would, he thought, be well to consider whether they could not enlarge that principle, so as to include summary proceedings on judgments obtained in other countries. As regarded England, it appeared to him that the proper principle would be, to extend the provisions of the Summary Procedure Act relating to bills of exchange to all claims whatever, fortified by written obligations, or which arose out of judgment. That would be proceeding on the principle of codification; but nothing could be more inexpedient in the practice of the law than that there should be different statutory forms of procedure applicable to different demands. With regard to Scotch procedure, with which he was unacquainted, he would say, let the Scotch lawyers find out how a foreign judgment could be most summarily enforced in their courts, and then propose the proper remedy. As to Irish procedure, it had been so much improved of late, that it was not thought necessary to introduce the summary process on bills of exchange into that country; but it would be for the Irish Courts to consider whether they had arrived at perfection of procedure with regard to those obligations to which he had specially alluded, and if they found that the English mode was better than their own, they ought to adopt it. It was not for him, however, to interfere with the reform of the Irish law. There were plenty of Irish lawyers fully competent to deal with the subject. One great defect in the Bill before the House was that the summons—the inquiry which was to give effect to the judgment—was not to be in the place where the judgment was to be enforced, but in the place where it was to be obtained. Now, the protection which every man ought to have, required that the information should be given in the place where a judgment was to be enforced. Upon the whole, therefore, he should oppose the Bill.

MR. M'MAHON said, he considered the measure a violation of the established principles of law and jurisprudence for which there was no excuse or necessity, and he trusted it would never be passed by the House. The great anomaly of the Bill was that it would impose upon England and Ireland the law of Scotland, which was at variance, not only with the law of those countries, but of France, and of every other nation entitled to our respect. The proper course would be to assimilate the law of Scotland to that of England. Scotch lawyers were beginning to see that the inevitable result of our legislation would be to assimilate the Scotch law to that of England, as was very plainly laid down in an article lately published in the *Journal of Jurisprudence.* That being the case, why should the hon. and learned Gentleman (Mr. Craufurd) endeavour to impose on England and Ireland some of the worst features of the jurisprudence of Scotland. Few lawyers indeed, except those who hoped to be Lord Advocates, would venture to affirm that the commercial law of Scotland was beneficial to that country; and he believed that among the people of Scotland themselves there was an almost universal feeling in favour of the introduction of English law. The Scotch system of law for 3,000,000 of people cost as much as that for the whole of England with a population of 18,000,000; they had thirteen Judges in the Superior Courts and an enormous judicial staff in the Sheriff Courts. Could anything be more preposterous than to make, as this Bill proposed, the judgment of a Scotch Court more forcible in England than the judgment of an English court would be? In Scotland, when a decree was given in absence, forty years was allowed to dispute it. Transfer that judgment to England and it became absolutely irreversible. The Scotch lawyers themselves said that there was no finality to a Scotch proceeding until it reached the House of Lords. He did not know whether this measure extended to the decrees of the Sheriffs' Courts in Scotland, but proceedings in those courts were never final, being liable to be carried to the Court of Session: yet this Bill would make a judgment which was easily reversible in Scotland, irreversible when transferred to England and Ireland. What he wanted was to reduce the Scotch law to the same principles of common sense which characterized the law of England. One of the first maxims of the English law was, that no man should be condemned without being heard in his own defence; but in Scotland a dishonest creditor had no difficulty in obtaining a judgment in the absence of his debtor. Suppose an English gentleman went to Scotland, on a shooting or fishing excursion for instance, and if he only left a gun or a fishing-rod behind him to bring him within the jurisdiction of the court, his creditor, if he were "furth" of Scotland, as the phrase was, had nothing whatever to do but to go to the Scotch court and obtain a citation against him, and then a decreet in absence; and the first thing which the creditor would hear of the claim would be, if this Bill should pass, when the writ of execution was served upon him in this country. This judgment, too, though it might easily be overturned on appeal in the Scotch court, could not be touched when once it was registered in England or Ireland. Even if the debtor were in Scotland, all the creditor had to do was to get him summoned at the market-cross of Edinburgh, and, after a certain number of "Oh yeses" and fixing the summons to the cross, the judgment could be obtained just the same. Even this ceremony, it was said, was often omitted, and many writs were executed in Scotland without the summons ever having left the attorney's office. It was to be hoped, therefore, that before Gentlemen from Scotland attempted to force the Scotch law upon the other two kingdoms they would take the trouble to remove from it such barbarous anomalies as these. The effect on commercial transactions would be disastrous, by the facility it would give of fraudulently obtaining judgments. Again, suppose a bill of exchange were obtained by a Scotchman from a merchant in London fraudulently, under circumstances which would prevent it from being recovered in any other country, all the Scotch holder had to do was to get some one to order goods from the London trader, which when they were sent down to Scotland would render him liable to the jurisdiction of the Scotch courts, and immediately judgment might be obtained on his bill, which, when once registered in England, could not be set aside. But there was a still further anomaly in the Scotch practice. In the English or Irish courts, when a man got notice of an action, all he had to do was to instruct an attorney to put in an appearance; but in Scotland the agent employed was liable for all the costs of the action ; consequently no writer to the signet in Scotland would appear for a stranger until he had got security, not only for his own costs, but for the costs of the other side also. To import such extraordinary hardships as this into the English and Irish procedure would be anything but law reform, and he hoped, therefore, that the House would pause before it gave its sanction to this Bill.

Mr. NEATE said, the question to be decided was whether Irish and Scotch courts were to be considered as foreign courts in English courts, and *vice versâ ;* and also whether the judgments of those Courts were to have no more force here than the judgments of foreign courts—that is, to be considered as a *primâ facie* ground of action. As far as Ireland was concerned the English and Irish forms of procedure were so much alike that the decisions of the Court of Queen's Bench in England were quoted in the Queen's Bench in Ireland, and *vice versâ;* and there was no reason, therefore, why a judgment pronounced by one Court should not have as much effect in either country as the judgment of the other. The legal documents, too, of the two counties were so much alike that the inferior officers of the courts would have no difficulty in judging what was really a judgment of the courts of the other country. So far as England and Ireland were concerned, there was no objection to the Bill; as regarded Scotland, the case was different. But he could not allow that the Scotch code, which was the code of the greatest part of the civilized world, was liable to the epithets which the hon. and learned Gentleman the Member for Wexford (Mr. M'Mahon) had bestowed upon it. If the question were referred to the lawyers of Europe the chances were that it was our own code which would be pronounced barbarous and anomalous. The objections which the hon. and learned Gentleman had urged to the manner in which Scotch judgments might be made available in this country and in Ireland were more fitted for Committee than for the second reading, and if there were any force in them they might be easily remedied in that stage.

Mr. WHITESIDE said, that though he had no objection to any private Member trying his hand at law reform, yet a Bill of this importance ought to have been introduced by the Government. No doubt the Scotch law contained many sound principles imported from the civil law, but that part of the Scotch practice which the hon. and learned Gentleman's Bill sought to import into England and Ireland was opposed to all natural justice, and he could never consent to see it made part of the English and Irish procedure. The last time that this Bill was under the consideration of Parliament, the right hon. Gentleman the Attorney General for Ireland had succeeded in introducing into it an Amendment — the requiring of a copy of the judgment to be registered instead of a mere extract from it—which the hon. and learned Mover of the Bill declared to be destructive of its principle and detrimental to its working, and yet that very provision was introduced into the Bill which the House was now asked to read a second time. The Scotch were a wary people, as Lord Brougham had once said, and when he saw the Scotch Members unanimous in endeavouring to pass a piece of legislation for their own country he was generally inclined to vote with them, feeling sure that it was likely to be advantageous; but when they sought to import part of their legal procedure into the rest of the kingdom they must condescend to give valid reasons for it, and must be prepared, too, to listen to a little wholesome contradiction. By this Bill every judgment heretofore obtained in any one of the three kingdoms might be registered and made available in the others. A judgment, therefore, which had been obtained in Scotland might be taken at once to Dublin, and by the law of Ireland, having been registered in the Court of Common

Pleas, it might be taken to another office and registered against the real estate of the debtor, and then, if it were for more than £100, the creditor might go to the Rolls and get a receiver appointed over the landed property of the debtor before he had ever heard a word about it, and this without any redress, too; at least, the only redress a man would have would be to go to the Scotch courts, where he would get it perhaps about the end of his life, or at the end of his executor's life. But where was the necessity of the Bill? In all his experience he had scarcely ever known a case in which a judgment fairly obtained in this country had been made the subject of an action in the Irish courts, because, of course, a debtor, if he had no real defence to make to a judgment brought over to Ireland, did not attempt to oppose it. No man was fool enough to dispute at the second stage that which was indisputable at the first. Neither would expense be saved by the Bill. First of all, a copy of the judgment had to be obtained, then a Judge's order for proceeding to the other court with it, and then it had to be registered, the cost of all of which could not be under £5 or £6; but by a Bill which he had succeeded in passing some time ago, process might be served on the party sued for exactly £1 10*s*. The Bill proposed to abolish the provision by which a non-domiciled person had had to give security for costs before bringing an action, and thus to relieve a dishonest creditor from all the difficulty which he at present laboured under in bringing an action. It would open the way to all sorts of fraudulent executions and to unjust preferences of one creditor to another. The moment a Scotch creditor had got a decreet registered in this country, he might take himself off to Scotland; and if a debtor wished to upset his judgment, he would have to follow him to Scotland and take his witnesses with him,—not a very economical mode of procedure. Take, too, the case of the wrong man being served with a process; there was no jurisdiction in the Bill to set aside such a judgment in Dublin after the ceremony at the market-cross of Edinburgh, which the hon. and learned Gentleman the Member for Wexford (Mr. M'Mahon) had described had been gone through. As he read the Bill, all the creditor had to do in the Scotch courts was to give some proof that his debtor had received notice of the action at some stage before judgment was given; he might go on with his action, and just before judgment was given might pop a letter into the post to his debtor, and that might be sufficient notice, and he would get his judgment as a matter of course. He had no objection to the existence of such a mode of procedure in Scotland. If the people of Scotland liked such luxuries let them keep them. But he protested against their being introduced into the English and Irish courts.

MR. MALINS said, he had listened with attention to the arguments of his hon. and learned Friend, but they did not induce him to vote against the second reading of this Bill. Many of his objections applied to the details only of the Bill, and could be readily obviated in Committee. When a judgment had been properly obtained, whether in England, Ireland, or Scotland, he could not see why the same facilities for its enforcement should not be given in all the three countries. It was but natural justice, and on the question of principle he saw no reason why the Bill should not pass. It was a principle of English law to treat foreign judgments as *prima facie* evidence of a debt; but he could not consent to apply the principle of the Bill to Scotch judgments, the law of Scotland being substantially different from that of England. But the law of Ireland differed not from that of England, and was administered in the same way. Therefore, why should not an Irish judgment be enforced in England, or *vice versa?* There was perfect reciprocity in the Bill, and the judgments of the two countries ought to be placed on the same footing. The Act 1 & 2 *Vict.*, c. 110, which introduced new provisions into the law as to judgments, made a judgment a charge upon real estate; and if the debtor had lands in Ireland, why should not those lands be bound? Why should not the creditor have the utmost facility for enforcing the judgment in the most speedy manner in Ireland? That was the great principle of the Bill; and if it was not necessary it could do no harm, while if necessary its rejection would be a serious mischief. With regard to the objections against the Bill, so long as a man allowed a judgment debt to remain unpaid he could not complain of proceedings against him to recover it—proceedings which were no doubt always disagreeable to debtors. With respect to the abolition of security for costs, he (Mr. Malins) agreed with his hon. and learned Friend (Mr. Whiteside);

but it was a mere matter of detail, and was no reason for rejecting the Bill on the second reading, founded, as it was, on justice and common sense.

THE LORD ADVOCATE said, that those who objected to the Bill did so rather on account of certain anomalies in the Scotch law, than on account of the principles of the Bill. But this was not a Scotch measure, nor did it owe its origin to Scotch lawyers. It was founded upon large general principles of jurisprudence, and had the support of many lawyers who had been educated according to the English system. It was supported by the Law Amendment Society and by Lord Brougham, whose efforts in the cause of enlarged legal reform it was unnecessary for him to praise. It was no attempt to do something for the benefit of Scotland or the Scotch, for, while it enabled Scotch creditors to recover debts in England and Ireland, it gave equal facilities to English and Irish creditors in Scotland; and, as England was the larger and richer country, was, as it were, the wholesale dealer, while Scotland was the poorer country, it was probable that the number of debts recovered by English creditors in Scotland would largely exceed those recovered by Scotch creditors in England. The principle of the Bill was that the debtor should be obliged to pay his debt, whether he were found in England, Scotland, or Ireland, upon a judgment duly registered. He did not think that the principle of the Bill could be more clearly and strongly explained than it had been by the hon. and learned Member for the city of Oxford (Mr. Neate). The three kingdoms of England, Scotland, and Ireland had three systems of jurisprudence, or at least three separate jurisdictions, and, so far as the decrees of their courts were concerned, stood to each other in the relation of foreign countries. That this was not only an anomaly, but a discredit to our jurisprudence, it was needless to prove. It appeared to him that the remedy for this state of things was entirely a matter of detail, that the principle of this Bill must be admitted, and that about its second reading there could be no question whatever. The hon. and learned Member for Wexford (Mr. M'Mahon) had made some very strong observations in regard to the law of Scotland. He was glad to find that the hon. and learned Member had commenced the study of that system, and was quite certain that a little more knowledge would induce him entirely to change his opinion of it. With that view, he would recommend him, instead of reading books about forms of proceeding, with which he was not conversant and which he had no opportunity of studying, to devote a little time to observing the working of the system in Scotland. He could assure him of a hospitable reception in that country, and he believed that he would find that the Scotch law contained some things which might with advantage be introduced into the law of England. He would find in Scotland a system of law to which the division of law and equity was unknown. He would find that the system of registry had been applied to lands for many centuries. He would find that ecclesiastical courts had long been abolished; that the principle of County Courts, only the other day introduced into England, had obtained for a long period of time; and that the Thirteen Judges not only sat at common law, but did all the work which in England was performed by the separate Courts of Chancery, Admiralty, and Bankruptcy, and the Consistorial Courts. The Scotch system, so far from being a barbarous system, was founded upon the civil law which obtained all over Europe as soon as it was civilized, and was transported directly from France into Scotland. No doubt the lapse of time and the commercial prosperity of England had built up here a system which, although not so well founded on principle, was to a great extent adapted to the situation and wants of the country, but he rather thought there were some motes to be taken out of that system; there were many fictions still maintained in the English courts which might well be abolished, and when the hon. and learned Gentleman referred to the Act for the Amendment of the Mercantile Law of Scotland, he forgot that a similar Act was at the same time passed to amend the mercantile law of England; and as upon some subjects provisions of the law of England were incorporated with that of Scotland, so upon others provisions of the Scotch laws were incorporated with that of England. That was the spirit in which law reform ought to be pursued. It was the spirit in which this Bill had been framed, and he did not think that the system of either country would gain by the bandying of compliments such as those in which the hon. and learned Gentleman had indulged. Decrees made after citations, and decrees made in the absence of persons, under the Scotch law, could now be enforced in the courts of England, and if there were thought to be defects in the law of Scotland the proper course would be to amend that law; but these defects were no reason why a judgment held valid in Scotland should not be held valid in Ireland. One good effect of this Bill, if it passed, would be to call public attention in all the three kingdoms to the defects and anomalies which might exist in the legal system of any one of them. The chief defect in the law of Scotland was the principle of founding jurisdiction upon arrestments; and he thought that if this Bill passed, it would be a good opportunity for considering whether that mode of founding jurisdiction should continue. The hon. and learned Member for Enniskillen (Mr. Whiteside) had referred to two or three matters connected with the working of this measure as between England and Ireland; but these were matters of detail, and ought not, in his opinion, to prevent the Bill being read a second time, and thereby the principle affirmed that creditors were entitled to obtain satisfaction of their judgment in whichever country their debtors might possess property.

MR. NAPIER said, he did not intend to draw distinctions between the laws of the three countries, or to give an opinion as to the Scotch law, because, always being treated as foreign law, he had not given sufficient attention to it to enable him to do so. But the very fact of the laws of one country being considered as foreign in the others was an objection to the present Bill; because, up to a certain point, the three laws were still kept distinct; beyond that point they were dealt with as though they were only one jurisdiction. It was when judgment was signed and execution issued that it was most desirable to keep the jurisdictions separate. The Bill applied to all judgments, whether adverse or by confession, and this opened the door to fraud by giving facilities for collusive judgments, and the defeat of honest creditors. There were often matters of account between creditors and debtors after judgment was entered up, and no opportunity would be afforded to the debtor to know how the accounts stood. The purposes of justice required separate jurisdiction before judgment, and equally required such separation of jurisdiction afterwards. He felt bound to oppose the second reading of the Bill.

MR. HADFIELD said, he was surprised that the Irish Members should oppose the Bill, as Ireland would derive more advantage from the Bill than either of the other two kingdoms. He would earnestly support the Bill, and trusted that the House would at last accept it.

MR. STEUART said, he would support the Bill, as he thought it would remove an anomaly in the present system, although there were certain details which he should wish to see amended.

Question put, "That the word 'now' stand part of the Question."

The House *divided*—Ayes 137; Noes 99; Majority 38.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Wednesday* next.

ELECTION EXPENSES BILL.

LEAVE. FIRST READING.

LORD ROBERT GROSVENOR moved for leave to bring in a Bill to release Candidates at Elections to Parliament from the expense of the booths and hustings, and to make payment for the conveyance of voters to the poll illegal. The noble Lord said the Bill was in the spirit of the legislation which had been adopted for the last thirty years, and the particular provisions of it had been recommended to the attention of the House by its own Committees, and might be said to be based on the Reform Act itself. The preamble of that Act recited that its object was for "taking effectual measures to cure divers abuses which have long prevailed in the election of Members and to diminish the expenses." The Committee of the House which sat on this subject in 1834 recommended that every election should be based on the broad principle that the Member returned to Parliament should be placed in the House free of expense, and that the expense of booths and polling places should be defrayed out of the county and borough funds, instead of being charged upon the candidates. Having brought these authoritative statements before the House, he thought that he had made a *primâ facie* case of the propriety of this Bill. As to the other question comprised in the Bill—namely, the conveyance of voters to the poll, it was a subject that was much discussed on the Corrupt Practices Bill of 1834, when great doubt was expressed whether it was a legal payment on the part of the candidates. It certainly was not one forbidden by any express statute, but it could not be justified under any constitutional theory whatever. If it were the case that the House believed that certain poor voters were unable to walk a short distance once in three or four years, it was a very low opinion indeed of them which the House entertained; but if they must be carried, let them be carried at the public expense, for there was no reason why candidates should be called on to bear such an expense. They had already passed Acts limiting the time for the county and the borough elections making treating illegal with such advantage that the last general election passed off without disturbance, and he thought the Bill which he proposed introducing was another step in the right direction. He did not anticipate any objection to the introduction of the Bill; but if it were thought better that the whole matter should be reserved for the consideration of the House when the Bill promised on behalf of the Government by the noble Lord at its head, and if he could learn that it was the intention of the Government to introduce clauses bearing on these points, he would not carry the Bill beyond a second reading. But it was a subject demanding attention. In 1834 with very defective returns, the Committee had discovered legal expenses charged at the general election of 1832, to the amount of £64,000, and he was sure it was not too much to say that £100,000 had been expended at the late elections.

Mr. AYRTON seconded the Motion.

Motion made and Question proposed—

"That leave be given to bring in a Bill to release Candidates at Elections of Members to serve in Parliament from the Expenses of Booths and taking the Poll, and to make the payment by Candidates of the Conveyance of Voters to the Poll illegal."

Mr. WILLIAMS said, he did not object to the principle of the Bill, but if the object of it was to make the counties and boroughs pay the expenses mentioned, he did not think it would be productive of very much economy. If it became law, he did not think that any election in the country would be afterwards uncontested, and it must be remembered that the expenses of the hustings were the most immaterial part of the cost. He questioned whether true econony would be furthered by passing this Bill.

Mr. H. DRUMMOND said, he did not rise to oppose the introduction of this Bill; but, if the noble Lord meant to apply it to the counties, the object of it really was to disfranchise the poor people. It would give additional predominance to the towns, and swamp the counties in the towns. But if there was a party of gentlemen connected with the metropolis who had so great a desire to moderate election expenses, what a pity it was that they did not consider that before the elections. No, these Marylebone tradesmen would not come up to vote for their beloved Lord Ebrington without £7,000 for cab expenses. The Bill, however, would not do much harm, if applied only to residents within the counties, and did not apply to persons coming from one county into another. As the noble Lord said, he did not object to throwing the Bill into the general hodge-podge of next year, its introduction or rejection now was not a matter of much importance.

Question put, "That leave," &c.

The House *divided*:—Ayes 151; Noes 58: Majority 93.

Leave given.

Bill *ordered* to be brought in by Lord R. Grosvenor, Mr. Butler, and Mr. Dillwyn.

Bill *presented*, and read 1°.

COURT OF CHANCERY (IRELAND) BILL.

LEAVE. SECOND READING.

Mr. WHITESIDE moved for leave to introduce a Bill to make provision for the Appointment of Registrars to the Masters of the Court of Chancery in Ireland; also for the safe custody of Title Deeds and Documents lodged in the said Court; and to amend the practice in certain particulars. In doing so, the hon. and learned Gentleman took occasion to state that upon the death of the late Master Henn—whose place the Government had come to the conclusion not to fill up—the three remaining Masters had in a manner, which did them great credit, undertaken to clear off all the arrears in his office—amounting to some 800 or 900 causes—provided they were supplied with a reasonable staff for the purpose. That proposal, however, had been met upon the part of the Government by the munificent offer to afford them the services of a clerk with a salary of £100 per annum, with the prospect of having his position improved by an increase of £10 upon his annual income until it should amount to £200. That offer the Masters had very properly declined, inasmuch as they did not deem it desirable to allow the business to pass through the hands of the person whose services they would be likely to secure for so trifling a remuneration. They had, however, signified their readiness to enter upon the task of clearing off the arrears if the sum of £200 were allowed annually for the payment of a proper officer. That very reasonable proposal had not, however, as yet received the sanction of the Treasury, notwithstanding the circumstance that a considerable saving in dealing with the business which had until lately been disposed of in the office of Master Henn would be the result. It was in order to provide the requisite assistance for the present Masters in the discharge of their duties that he asked for leave to introduce the present Bill, as well as to promote the security of documents lodged in the Court of Chancery in Ireland. He might also add that, in accordance with the existing practice in that court, a case under the 15th section of Sir John Romilly's Act, before it could be referred to the Masters must be submitted to the Lord Chancellor, who had merely to nod his head expressive of his assent to the proposal. That preliminary hearing it was another object of the Bill to abolish, so that the case would in the first instance be laid before the men who at present substantially dealt with it throughout its progress. In fact, he wished to enable the Masters to begin and complete their business without extraneous and unnecessary references. For instance, in winding-up accounts they were for a while precluded from signing cheques on the estate; but now that that power is given there is no one to draw up the orders, and that accordingly was left to the solicitors themselves—an improper state of the practice. His Bill would amend that also. He would now move for leave to bring in the Bill.

Mr. J. D. FITZGERALD said, he hoped to convince the hon. and learned Gentleman and the House that this Bill was unnecessary. As had been stated by the hon. and learned Gentleman, in consequence of the death of Master Henn, the Lord Chancellor, in March last, after consulting the surviving Masters, recommended the addition of another clerk to each of the Masters, at a salary of £200. The Treasury acceded to the recommendation, with this exception, that the salary should be £100 a year, rising by £10 a year till it was £200. The Masters declined the offer; and he thought in so doing they acted very properly. When he came to London he went to the Treasury, and represented to them the position which this new clerk would occupy, and stated that he thought the Masters had named a very moderate sum when they mentioned £200. The Treasury accordingly adopted the full recommendation of the Lord Chancellor, and the order had been already issued authorizing the appointment of the additional clerk at £200. The second proposition of the hon. and learned Gentleman's Bill proposed to provide safe places for the custody of public records in Ireland. That was a matter which had engaged the attention of the Government at different periods, until at length, in the course of last autumn, it was determined that not only ought fitting accommodation be erected or allocated for the business of the Encumbered Estates Court, but also that provision ought to be forthwith made for the safe keeping of the records. It was uncertain whether the intervention of Parliament was necessary to enable the Government to carry out that determination; perhaps, however, some amendment in the existing Act might be needed. For some time the Government had been engaged about the purchase of land for the erection of the edifices in question. It was intended to erect an isolated building on a large scale, where all the records of the different courts of law would be deposited. It seemed to him, therefore, that the two main objects of the Bill of the hon. Member for Enniskillen were already realized. As for the third object of the Bill, which would enable the Master, without an order from the Lord Chancellor, to entertain a petition in Chancery, he would not stop to consider the expediency of such a proposal. According to the present practice, all petitions went before the Master on the order of the Lord Chancellor, and in the great majority of cases the order was made as a matter of course; but every one who was acquainted with the Irish Court of Chancery must be aware that the discretion of the Lord Chancellor was exercised to determine whether a case came within the statute, and whether it was a fit case to be referred to the Master. Next Session a large measure, having reference to the Incumbered Estates Court and the Court of Chancery in Ireland must be introduced, and whatever enactments regarding the transaction of business in those courts were necessary could then be introduced. Under those circumstances he would submit that, as the objects of the hon. and learned Gentleman would be otherwise answered, it would be superfluous to proceed with the present Bill. If, however, he wished to lay the Bill on the table, he (Mr. FitzGerald) should not oppose its introduction.

Mr. WHITESIDE said, though gratified at the prospect held out by the hon. and learned Gentleman, still as there were three or four practical inconveniences adjusted by his Bill, which would otherwise remain unredressed, he could not undertake to withdraw the Bill until, at all events, those details had been ventilated.

Leave given.

Bill *ordered* to be brought in by Mr. Whiteside, and Mr. Napier.

Bill *presented*, and read 1°.

MEDICAL PROFESSION BILL.

LEAVE. FIRST READING.

Mr. HEADLAM, in moving for leave to introduce a Bill to alter and amend the Laws regulating the Medical Profession, said it would be in the recollection of all present who were Members of the last Parliament that the first general object of the Bill was to ensure uniformity of medical education throughout the United Kingdom; so that a gentleman educated for the medical profession in Scotland would have to go through the same curriculum of studies as his brethren in England and Ireland. That was the first and most important feature of the Bill. It then went on to provide that a person who had passed his examination in one part of the kingdom obtained thereby a right to practise in any other. There was to be complete reciprocity of practice between England, Scotland, and Ireland. The third and last object of the Bill was to provide that a complete registry of the medical practitioners of the country should be kept, so that the public might be able to know who were duly qualified to practise. He had only to add that the objects of the Bill were carried out by a machinery which had been most carefully considered, and which had been approved of by the members of the medical profession generally.

Mr. NAPIER seconded the Motion.

Mr. COWPER admitted that the subject of the Bill was one of great importance, and was glad to hear that it had met with the approbation of that profession the interests of which it to so great an extent affected, because, during upwards of fifteen years that medical reform had been mooted, the impediment to satisfactory legislation had mainly arisen from differences of opinion among those who represented the views of the medical profession. The subject was one of very great importance, and pressing urgency. The State had taken upon itself to prescribe what should be the qualification of medical practitioners; but the laws by which the nature of that qualification was regulated were chiefly to be found in old charters and old statutes, and the whole subject was in a most confused and anomalous condition. The qualifications required were as various as was the area over which those qualifications could be exercised. The College of Physicians and the Universities of Oxford and Cambridge adopted a high standard of qualification. There were other bodies who took quite a different view of the subject. For instance, the College of St. Andrew's, in former times, had taken a mercantile view of the matter, and not having facilities for personal examination, used to forward their degree by return of post, on receipt of a fee of £25, or whatever sum might be agreed upon. This practice had been long discontinued, but it showed the latitude that existed. The College of Physicians was only enabled to give a licence to practise medicine within the metropolis and for seven miles around it; while those who obtained licences at the Universities might practise throughout the whole kingdom. The College at Glasgow could give licences to practise over only four counties, while the College at Edinburgh gave them for the whole of Scotland, exclusive of those four counties. In the whole there were sixteen bodies in the United Kingdom, the diplomas of which entitled holders by law or usage to practise, and many incompetent persons received licences. For the practise of surgery, no qualification is required by law, and a man could call himself surgeon without knowing any graver operation than carving a fowl. What was generally speaking meant by the word "surgeon" was a member of the Royal College of Surgeons; but that was not the legal definition of the term; it was in his opinion extremely desirable that the State, having assumed the power to settle the qualifications for medical licences, should do it effectually, and should not allow anybody to practise that profession without having given proof of competent skill in his art as well as that he had received a fair general education. As things at present stood, there were to be found among licensed practitioners, men who were incompetent in technical skill, and deficient in intelligence and in an ordinary English education. The reason alleged by the College of Surgeons, by way of excusing that fact was, that the demand for general practitioners was so great that, if a high standard of competency were fixed as necessary before they could obtain a licence, the supply would not be equal to the demand, and the rural districts would be in want of the services of medical men. Experience, however, in his opinion, tended to show that such would not be the case, inasmuch as it was quite clear that what he might term over-competition now prevailed in the profession, as was clearly shown by the circumstance that medical men were in many instances found to be ready to take under the Poor Law Board, salaries which they themselves regarded as being an insufficient remuneration for their services. With reference to the Bill before the House, he could only say that he was disposed to look upon it with favour, introduced as it had been under such favourable auspices, and as emanating from an hon. Member who had taken great pains with the subject. The views of the Committee which had sat some time ago, and of which he (Mr. Cowper) was a member, embraced the necessity of uniformity of qualification, and of fixing a minimum standard, without having attained to which no one could obtain a licence to practise. In order to come up to that standard it was necessary that a surgeon should know something of medicine, and that a physician should be in some degree acquainted with surgery, while it was left to the medical colleges to fix the qualifications they might consider necessary for consulting physicians or pure surgeons. These were the objects which he thought it was desirable to carry into effect in any legislation upon the subject, and in so far as the Bill of his hon. Friend tended to that end he should give it his cordial support.

Lord ELCHO said, it had been remarked by the late Sir Robert Peel that there was scarcely a Session without a Salmon Bill, and in his (Lord Elcho's) opinion the same observation might very well be applied to the Bill before the House. He must, however, admit that in the laws relating to the practice of medicine there existed the most glaring injustice and anomalies, which, for the sake of the profession, as well as of the public, ought to be removed. He did not, therefore, rise to offer any opposition to the introduction of the Bill, but simply to put a question to his hon. Friend, by the answer to which his course with respect to the subsequent progress of the measure would be guided. Before he put the question he should say a few words in explanation of its nature. His hon. Friend had introduced a Bill in the penultimate Session of the last Parliament which passed a second reading, but to which so many objections were taken on going into Committee, that it was thought advisable to refer it to a Select Committee. Whatever may have been the intention of the framer of the measure, it was certainly one which greatly favoured the medical corporations. It entirely ignored the position of University graduates, and it had been characterized by the hon. Member for West Surrey as a Bill to provide for certain bodies corporate at the expense of our corporations. Well, the Bill was thus referred to a Select Committee, which sat several weeks, and which effected so great an alteration in the provisions of the measure that scarcely a line of the original remained. The Bill thus changed had come down from the Committee, and was, he might say, unanimously reported to the House. Now, he thought the most practical step which the House could adopt would be to take up that Bill again and to pass it into a law, instead of embarking on a fresh measure. The question, therefore, he had to ask was, whether this Bill was *bonâ fide* the Bill of the Committee? It was possible enough that there might be a unanimous feeling among the medical corporations in favour of this Bill, without a corresponding unanimity among the great body of the profession; and he was very much afraid that the tendency of the hon. and learned Member's Bill would be, as the former one was, to benefit the corporations at the expense of the Universities. Now, the medical education given in the Universities of Scotland and in the University of London was about the best in the United Kingdom, and their degrees were a better test of a medical man's qualification than the examination before any of the corporations. The degree of Doctor of Medicine of the University of London carried more weight with it than the diploma of the College of Physicians, yet an M.D. of the University of London was prohibited from practising within seven miles of the metropolis. If the Bill were *bonâ fide* the Bill of the Committee he was ready to give the hon. and learned Member his humble support, but if it differed in any essential respect he should ask leave of the House to lay upon the table to-morrow the Bill recommended by the Committee.

MR. HEADLAM said, that in some respects his noble Friend had rather seriously misrepresented the circumstances under which the former Bill had been brought before the House. So far from that having been a Bill brought in on behalf of the corporations and colleges of the profession, it had been prepared and brought forward by a totally different body, who were not in any way connected, but were rather antagonistic to the colleges. This body, of which Sir Charles Hastings was the President, went to the Secretary of State for the Home Department, and asked him to bring in the Bill. The Government declined to do so. They then applied to him (Mr. Headlam) to bring it in. So far from the Bill being in favour of the corporations, it was through their influence that it had been sent to the Select Committee. A deputation from the corporate bodies went to the Secretary of State for the Home Department, and induced him to offer objections to its going into Committee, and their opposition had been the cause of the final rejection of the Bill. In answer to his noble Friend's question as to whether the present measure was *bonâ fide* the Bill of the Select Committee, he would at once tell him that it differed in one most important particular. According to the scheme of the Committee, the Government was to appoint every single member of the council of the governing body. Now, in that shape the Bill would not have had the slightest chance of meeting the favour of that House, or of being acceptable to the medical profession and the country. In that very material respect his Bill differed from the Bill of the Committee; but it conformed in all other material respects to the principles which were laid down by the Committee. It provided for education in the shape suggested; and it had regard to the rights and interests of all licencing bodies. The best proof that the rights of the University had been fully and fairly considered was, that the names of the hon. Baronet the Member for the University of Oxford and the right hon. Gentleman the Member for the University of Dublin were upon the back of this Bill. He believed the Bill had regard to the rights and interests of all parties in the medical profession, and to the rights and interests of the public at large. His noble Friend was entirely in error when he suggested that there had been any intention to introduce a clause, inflicting a penalty on any one consulting an unregistered practitioner. There had never been the slightest attempt to put a stop to people "quacking" themselves if they felt so disposed. The framers of the Bill knew that the practice was too general for them to attempt to fetter the subject in the free exercise of his judgment in that particular. After that statement, his noble Friend would of course be at full liberty to take any steps he might think fit; but he hoped, under the circumstances, he should have leave given him to introduce the Bill.

MR. NAPIER said, he was a Member of the Select Committee on the previous measure. He hoped every facility would be given for passing the present Bill. They could not all have their particular views carried out; there must be concessions made in order to get a good and practicable measure. He believed that it was the great object of all parties to elevate the whole system of medical education, and to make it uniform, both of which desirable objects would be substantively effected if the measure passed into law. His own constituency and the other Universities in Ireland had agreed to it, various other bodies in England and Scotland had agreed to it, and he thought it would be improper to disappoint their expectations. The great thing was to get a good basis in a sound enlightened general education of the members of the medical profession. This Bill would tend much to carry that out. He hoped, therefore, the House would give it every facility in passing.

MR. CRAUFURD, as a Member of the Select Committee of last year, while concurring as to the desirability of making a good sound basis of education for the medical profession, could not but regret that the course taken by the noble Lord below him (Lord Elcho) had not been followed on the present occasion. They had had great difficulty in framing a measure which should satisfy the corporations and colleges, but notwithstanding the difficulty of the task they had come to an almost unanimous result. He thought, after having experienced the labour of that Committee, it was much to be regretted that in pursuing this question the hon. Member for Newcastle (Mr. Headlam) had not adopted the course which appeared the most natural, that of bringing in the Bill as framed by that Committee, and leaving it to the House to decide whether his objections to the measure were really such as ought to be met and attended to. He thought good grounds could be shown for the alterations made in the Bill by that Committee. He did not think the interests of medical reform could be served by their continually chopping and changing measures. As the present Bill differed in the material point of the governing body, he should reserve to himself the adoption of the course he should pursue until he saw it in print.

MR. BLACK was of opinion that it was to be regretted that the Bill of the Select Committee had not been laid on table as the foundation of any Bill to be passed through that House. He would suggest that that course be adopted, in order that the House might be enabled to judge between the two measures, and decide on the best.

LORD ELCHO begged to explain that he had not implied that the hon. and learned Gentleman the Member for Newcastle had brought in the former Bill to favour the colleges, he had merely stated that he thought that would have been the effect of the measure. After listening to the reply of the hon. Gentleman, he begged to state that he should to-morrow ask for leave to bring in the Bill to which he had referred.

Leave given.

Bill *ordered* to be brought in by Mr. HEADLAM, Sir WILLIAM HEATHCOTE, and Mr. NAPIER.

Bill *presented*, and read 1°.

House adjourned at Five o'clock.

HOUSE OF LORDS,

Thursday, May 14, 1857.

MINUTES.] *Took the Oaths (singly).*—His Royal Highness the Duke of Cambridge; several Lords.

PUBLIC BILLS.—1ª Young Persons in Employment Instruction.

OPIUM TRADE WITH CHINA—OPINION OF THE LAW OFFICERS—QUESTION.

THE EARL OF SHAFTESBURY recalled to the recollection of their Lordships that at the close of the last Parliament he brought under their notice a series of questions relating to the opium trade, and the mode in which it was carried on by the East India Company. The result of the discussion upon that occasion was that the question of the legality of the traffic was referred to the law officers of the Crown; and he now wished to ask the noble and learned Lord on the woolsack what progress had been made in the inquiry by those functionaries?

THE LORD CHANCELLOR said, that, in consequence of what passed when this subject was last before their Lordships, he immediately communicated to his colleagues, and particularly to the President of the Board of Control, the questions submitted by the noble Earl. As soon as the elections were over the President of the Board of Control lost no time in directing the proper officer connected with his department to draw up a case, stating the facts, that it might be submitted to the law officers of the Crown. That was done—but there was some difficulty arising from the circumstance that it was all-important that the facts should be stated accurately—a task by no means so easy as might at first sight appear. The case, however, was drawn up, and it had now been transmitted by the President of the Board of Control to the Court of Directors, in order that they might see whether, in their view, the facts were correctly given. It was at present in their hands; but he believed that in the course of a few days it would be laid before the law officers of the Crown; for there was no reason to apprehend that the facts were inaccurately stated.

INDIAN ADMINISTRATION—CASE OF MR. THOMAS.

THE MARQUESS OF CLANRICARDE *moved*—

"That there be laid before this House:

"Return of the Appointments held by Mr. Thomas in the Civil Service of the East India Company in the month of September 1854, and of the Appointments he may have since held up to the Date of the latest Accounts, distinguishing Judicial from other Appointments: Also,

"Copies of any Correspondence that may have taken place between the Governor or other Superior Authorities at Madras and Mr. Thomas relative to the Case of Bhawanny Lallah *v.* Thomas, and to the Judgment delivered thereupon in the Supreme Court of Madras by Chief Justice Sir Christopher Rawlinson: And also,

"Copies of any Correspondence that may have taken place between the Home Government and the Government of Madras upon that case."

The noble Marquess said that he had to bring before their Lordships a case of injustice, which if passed over without notice would be a disgrace to the British Crown, the British Parliament, and the British nation. He knew nothing of the gentleman against whom he had such grave cause of complaint, but he knew that this was not an isolated instance, and that the magisterial system of India, by placing despotic power in the hands of non-professional and unlearned men, subjected the Natives of that country to tyranny and oppression unknown under any other Government in the world; and, therefore, although he knew that discussions on Indian affairs were not very acceptable to their Lordships, he had thought it his duty to bring this case before them. The facts were briefly these:—Mr. Thomas, in September, 1854, was a collector and magistrate in one of the districts in our Indian Empire, and Bhawanny Lallah was a wealthy Native merchant resident in the same district. On the 26th of September, Mr. Thomas, who was not then at his post, but at a distance of sixty miles, sent to Bhawanny Lallah a note desiring him to wait upon him. He (the Marquess of Clanricarde) need scarcely remind their Lordships that travelling in India was not an undertaking of so easy a character as in a country where railways existed; and Bhawanny Lallah, thinking that he might dispense with attending on such a summons, did not go. For three months after sending the note to which he had just referred, Mr. Thomas remained away from his district, his duties being administered by two other magistrates, to whom no complaint was made of this non-compliance with Mr. Thomas's request. Mr. Thomas returned, however, on the 14th of December, and upon the 22nd of the same month he sent a notice to Bhawanny Lallah that he must attend at the court on the following day. On the morning of the 23rd, Bhawanny Lallah was taken by Peons to the court, and was there detained until six o'clock on the same evening, when he was told that he must come again on the following day. On the next morning he was again taken through the streets under the care of these constables, and the same scene was enacted for fourteen successive days, without any charge whatever having been brought against him. On the 6th of January, however, a confused sort of examination was ultimately held, and certain witnesses were examined upon a charge which, for the first time, was made against this Native merchant, to the effect that he, Bhawanny Lallah, had been instrumental in getting up a mob on the 3rd of September, on the occasion of some Mahomedan ceremony. Bhawanny Lallah denied that he was present in the town on the day on which the mob was said to have collected. Certain questions were then addressed to him, but he was not permitted to examine the witnesses produced. On the 7th of January, a paper was presented to him stated to contain a digest of the facts elicited at that examination, and to which he was desired to affix his signature. This Bhawanny Lallah declined to do on the ground, amongst other reasons, that the witnesses had not been examined, or his own statements correctly taken down. Upon that refusal he was removed to the common gaol, and there confined during the night without food, and with the prohibition to communicate with any person whatever. On the following day, at two o'clock, he was again brought up, and once more desired to sign the aforesaid document, and he was distinctly given to understand that if he declined he would be reincarcerated without food; and in terror of the execution of that threat he unwillingly signed the document. Now, he (the Marquess of Clanricarde) had simply stated the facts as they had been given by Sir Christopher Rawlinson when the case subsequently came before him, and he appealed to their Lordships whether the influence under which that signature had been wrung from Bhawanny Lallah was not one of torture by starvation. After the signature, however, had been obtained, he was told he was convicted upon it, and must find bail of 200 rupees—£20. Some friends in court offered to give security. The magistrate refused it, and for seventeen days and eighteen nights this merchant was kept in gaol, at the end of which time he was admitted to bail, the bail being only for £20. Bhawanny Lallah brought the matter before the Supreme Court. He was awarded 1,000 rupees, but a point—namely, the competency of the court to question the acts of any magistrate, which had been reserved on the trial, was subsequently heard in the full court, and the result was that this man was left without any redress whatsoever; and every petty magistrate in the Mofussil territory—that is to say, throughout the length and breadth of India—might with impunity torture and oppress him. Was that a state of things becoming the British Crown or the British

Parliament to permit? If this had been an isolated case, it would not perhaps have been worth while to notice the aberrations of one man; but he had good reason to believe that it was only one out of a large number of such cases. He (the Marquess of Clanricarde) would probably be told that a Commission had been sitting, and that the result would lead to some great improvement in the administration of justice in India. With regard to the proposed changes, he trusted in some points they would prove to be beneficial; but he feared that in others they would not be so. He believed that magistrates appointed in the same way, and under no control or supervision, were to be continued throughout the country. The consequence was, that the European residents with one accord had refused to be subjected to the jurisdiction of tribunals so constituted. It was far otherwise with the Supreme Court. There the law was administered by lawyers trained in this country, and the tribunal enjoyed the full confidence as well of the Natives as of all the Europeons in the country. But it was said that that Supreme Court, notwithstanding its high character, was to be abolished, and a mixed court substituted for it. The result of such an arrangement would be that the new tribunal would be presided over by men dependent upon the East India Company, and without the independence which the Judges of the Supreme Court now happily enjoyed. Such result would be far from good. In one respect there would be a blessed change, for it was proposed that all persons in India should be subjected to the jurisdiction of the same tribunals. What state must that country be in where there was one kind of justice for the Natives and another for Europeans, and where Englishmen claimed to have a separate jurisdiction for themselves? It was in evidence that no honest man in India would have recourse to the Company's Courts. He held in his hand published statements of Europeans resident in India, who complained with the deepest indignation of the notion of being subjected to the whims, the prejudices, and the blunders of the officials in the subordinate courts. He believed that, if that scheme were carried into effect, before long no European would remain in the country, or invest capital in it if he was to be made amenable to the jurisdiction of those Company's Courts. They would only remain if they were under the jurisdiction of the Queen's Courts and the Supreme Court as at present established. Would their Lordships believe it possible that at this time of day there was one portion of the servants of the British Crown who claimed exemption from the jurisdiction of courts to which they were ready to subject every other class of their fellow-subjects? The civil servants of the East India Company actually claimed to be exempted from a jurisdiction to which all other subjects of the English Crown in India were to be amenable. Was that the even-handed justice of England? Surely, as was said in the pamphlet to which he had just referred, the proverb applied to this case, "That which was sauce for the goose was sauce for the gander." He submitted that this was part of a system which required complete revision, and that it was impossible that those subordinate courts could be continued in their present state. If they were to be allowed to exist, their operations must be superintended by Englishmen who had received a legal education. They had a Judicial Committee of Directors sitting in Leadenhall Street. He should be glad to know what this Committee did; and on that point he should shortly submit a Motion to their Lordships, which he hoped would have the effect of eliciting some information which it was desirable the public should possess. He would only further say that he trusted if any papers were in the hands of the Government relating to the subject which he had brought under the consideration of the House they would be forthwith laid upon the table.

EARL GRANVILLE said he could not quite agree with the noble Marquess in the assumption that discussions upon Indian subjects were always unpalatable to the House. From time time, on the contrary, very interesting and important debates on such subjects took place before their Lordships; and certainly the clear and able manner in which the noble Marquess addressed himself to those questions was not likely to make their Lordships less attentive to them. The noble Marquess had received later information on the matter he had just brought under the notice of the House than he (Earl Granville) had been able to obtain. The case, as stated by the noble Marquess, appeared to be one of incompetence, if not something worse, in the proceedings of Mr. Thomas on the occasion in question; but when, upon that case alone, an extensive charge was brought against the administration of justice in

India, he (Earl Granville) must say such a charge was not borne out by the facts stated by the noble Marquess. He (Earl Granville) was not aware until that evening of the second charge which the noble Marquess had brought against Mr. Thomas. It was not mentioned in the official papers as yet received by the Government on the subject. He had only to say that an application had been made to the Government to proceed against the magistrates in this matter, but they declined to do that, and left the aggrieved party to seek his remedy in his own way. The Government, at the same time, declined to shield Mr. Thomas in any manner ; and as respected the aggrieved party, they contented themselves with doing what was usual in such cases—namely, advancing money to enable him to proceed with his own defence, reserving to themselves full discretion as to the course they should take after the proceedings were closed. Beyond this he was not aware of what had taken place, or that any subsequent decision on that point had been given. The correspondence to which the noble Marquess had alluded had not yet been received in this country, but it would probably arrive in a very short time. There was no reason to doubt that, as soon as the correspondence was concluded, Lord Harris would forward it to the Home Government, and the question was one with regard to which they would require a full explanation of all the circumstances. The noble Marquess had referred to certain changes which had already been effected, and had expressed his disapproval of one alteration which had been made in the constitution of the Supreme Court, that alteration having, as he (Earl Granville) believed, been recommended in the strongest manner before the Committee by most competent witnesses. He must remind their Lordships that it would be almost, if not utterly, impossible to carry on the Government of India satisfactorily without entrusting to some individuals more arbitrary powers—not using that phrase in its strongest sense—than were necessary for the government of Her Majesty's subjects at home. At the same time it was, undoubtedly, of the utmost importance that the exercise of such authority should sometimes be checked, and that any abuse of it should be punished. Indeed, great care should be taken not to confide such serious powers to the hands of persons who were not likely to exercise them with proper discretion ; and he thought the noble Marquess had not been sufficiently mindful of the changes which had recently taken place, and of the arrangements which had been made to insure the appointment of duly qualified persons to the important office of Judges. He could assure their Lordships that, after receiving the correspondence, the Government would require information and explanations as to the whole proceedings connected with this subject. Under the circumstances it would be premature to agree to the Resolution of the noble Marquess, who, no doubt, would consent to postpone it to a future period.

Lord CAMPBELL said, he was unacquainted with the circumstances of this case, and was therefore unprepared to pronounce an opinion upon it, but he felt it his duty to express his deep regret that no effective measures had been taken for improving the administration of justice in our Indian possessions. As the noble Marquess had stated, justice was most satisfactorily administered in what were termed the Queen's Courts—the Supreme Courts at Calcutta, Madras, and Bombay. The law had been administered in these courts by an able succession of Judges, and he doubted whether it was better administered in the Courts of Westminster Hall. But in what were called the Mofussil Courts, existing throughout the extensive area of our Indian possessions, the administration of justice was most defective, for the simple reason that the Judges had received no proper legal training. Indeed, many of the Judges were young men who were first appointed police-magistrates, then collectors, and who were afterwards placed as Judges upon the bench. The consequence was that serious complaints were made of the manner in which justice was administered. With regard to criminal law, all Europeans were under the exclusive jurisdiction of the Supreme Courts, and when they entered into civil contracts they generally made it a condition that the Supreme Courts alone should determine any disputes which might arise under such contracts. The great mass of the population, however, comprising many millions of people, were subjected to the jurisdiction of such magistrates and Judges as he had described. The pressure of the evil had been so great that a Commission had been appointed to consider the best means of improving the administration of justice in India, and that Commission included some of the most eminent jurists of whom this country could boast, either among the

Judges in Westminster Hall or among those who had occupied seats on the judicial benches of the Supreme Courts in India. His learned Friend the late Chief Justice Sir John Jervis had devoted the utmost attention to the subject, and Sir Edward Ryan had been indefatigable in his labours. The Commission framed a code which it was believed would greatly improve the administration of the laws in India, but up to the present moment that code was a dead letter. It seemed as if no reformation could be effected either in India or in England, for there was simply an oscillation of schemes between England and India, and meanwhile the Native population remained in the most unfortunate position, exposed to a most oppressive and obnoxious system of justice. The Native population were most anxious to be placed under the jurisdiction of the English courts, and he thought that prompt and efficient measures should be taken to ameliorate in this respect the condition of our fellow-subjects in India.

THE MARQUESS OF CLANRICARDE said, that, after the statement of the noble Earl (Earl Granville), he would withdraw his Motion.

Motion (by leave of the House) *withdrawn.*

House adjourned at Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 14, 1857.

MINUTES.] PUBLIC BILLS.—1° Ministers' Money (Ireland); Married Women; Medical Profession (No. 2); Burial Acts Amendment.
2° Grand Juries (Ireland) Act (1836) Amendment.

THE INCUMBERED ESTATES COURTS—(IRELAND).

MR. COGAN asked the Attorney General for Ireland, "whether any steps have been taken by Her Majesty's Government, in accordance with the promise given last Session, to remove the Incumbered Estates Court from Henrietta Street to the Four Courts."

MR. J. D. FITZGERALD said, that the Government were anxious to redeem their pledge of removing the court, but it was found that there was not ground enough at the Four Courts for the new building. Measures were now being taken to acquire additional land for the purpose, and a Vote of £10,000 would be taken this Session as a first instalment. The building would include a new record chamber, and some other offices which were much wanted.

CLIFFORD'S APPARATUS.

QUESTION.

COLONEL SYKES asked the First Lord of the Admiralty, whether Clifford's method for lowering ships' boats while a vessel is at speed had been adopted in the navy?

SIR C. WOOD said, that Clifford's system had been adopted in some of the ships belonging to the navy, and was well thought of. That plan had, in consequence, been adopted already in several of those vessels.

COLONEL SYKES asked the Vice-President of the Board of Trade, whether any alteration in the Mercantile Marine Act is contemplated; and whether, in case of alteration, the use of Clifford's method for lowering ships' boats while the vessel is at speed would be made compulsory?

MR. LOWE was not aware of any contemplated alteration in the Mercantile Marine Act, and if such alteration should take place, he hoped it would not be proposed to render compulsory on merchant ships any particular mode of lowering their boats.

HERRING FISHERY—QUESTION.

COLONEL SYKES asked the Secretary of the Treasury, whether the Commissioners' Report upon the Government "brand" in the herring fishery on the shores of the north-east of Scotland was to be acted on, and whether it was contemplated to afford the means of shelter to shipping and the fishing boats on that coast by improving the harbour of Wick, or by erecting piers or breakwaters on certain points of the coast.

MR. WILSON said, the Commissioners appointed to inquire into the Scotch fisheries were divided in opinion. One portion of them recommended that the "brand" should be continued, but paid for and rendered self-supporting, the other Commissioners recommended that the "brand" should be discontinued. Those two courses were now under the consideration of the Government, who had not yet decided which recommendation they would adopt. As to the further question respecting the harbour of Wick, he had to state that it was his intention to move for a Committee to consider that and other questions relating to the establishment of harbours of refuge. He might add, that the particular question to which the hon. and gallant Member had called his attention would be one of the first which he would propose to be considered.

EMIGRATION OF CHINESE COOLIES.

QUESTION.

Mr. DUNLOP asked the Secretary of State for the Colonies—with reference to the fact, appearing from the Parliamentary paper No. 147, of last Session, that, while the emigration officer at Hong Kong had refused to grant a certificate for more than eighty-one Chinese coolies being taken to sea by the *John Calvin*, bound for Havannah, that vessel carried away 297 such passengers, of whom 110 perished on the voyage, by suicide and disease, and twenty-three more in quarantine and hospital at Havannah—whether the conduct of the master, in taking passengers exceeding so greatly in number that for which the certificate was granted was a contravention of the Chinese Passengers Act of 1855, and, if so, whether instructions had been given for enforcing the penalties under the bond granted at Hong Kong in terms of that Act; or, if it be not, whether Her Majesty's Government would propose an Amendment of the Act to remedy a defect which gives such occasion to kidnapping and its consequences; and whether any communication has been made to his department of an explanation having been demanded or received from the British Consul General in Cuba of the statement, so far as regards the *John Calvin*, contained in his Report on the cases of that vessel and the *Duke of Portland*, that he had minutely inquired into them, and that there was no blame whatever attached to the masters of either vessel?

Mr. LABOUCHERE said, that the questions put by his hon. Friend related to a subject which had of late occupied a considerable amount of public attention. Unfortunately the retirement of the emigration officer from Hong-Kong had prevented him from receiving such detailed information upon that point as would, no doubt, otherwise have reached him. But he would state the facts of the case as accurately as he could. The *John Calvin* had left Hong Kong with a cargo of Chinese coolies. The number on board was less than she was authorised to carry in relation to her size. But undoubtedly there had been a most important irregularity in the case, inasmuch as the emigration officer at Hong Kong, whose duty it was to ascertain that the emigrants had been voluntarily engaged, had not licensed her to carry more than eighty-one of those on board. All the passengers she had carried beyond that number had, therefore, been carried in contravention of the spirit of the Act. There seemed, however, to be some difficulty in ascertaining whether the letter, as well as the spirit of the law, had been violated. He proposed to communicate upon the matter with the law officers of the Crown, and if they should think that there were grounds for a successful prosecution of any parties, he should take care to have proceedings taken against them in the name of the Crown. If, however, on the other hand, it should appear that there existed no grounds for such a prosecution in consequence of a defect in the Act, it would be his duty to see that that defect was removed. Such an improvement would not require the interference of the Imperial legislature, but might be effected by means of a colonial regulation, under the sanction of the Secretary of State for the Colonies. With regard to the Consul at Havannah, there was no reason, as far as he could judge, for imputing any blame to that officer. It seemed he had been warranted in stating that in the cases of both those vessels the passengers had been treated with humanity, and that the regulations as to the supply of the necessary provisions had been complied with. It was true that the Consul had not adverted to the irregularity as regarded the numbers on board the *John Calvin*; but there was reason to think that his instructions upon that point had not been sufficiently clear to have led him to inquire into the matter. The attention of the Government was being anxiously directed to the whole subject, and his noble Friend Lord Clarendon had recently determined to appoint an emigration officer at Amoy, for the purpose of affording an additional security that the provisions of the Passengers Act should be carried into effect. He could assure his hon. Friend and the House that no exertions would be spared on the part of the Government by which they could prevent unfortunate occurrences of that description.

THE "LORD RAGLAN" TROOP-SHIP. QUESTION.

MR. LAURIE asked the First Lord of the Admiralty whether it was decided that 1,000 troops with officers and women, were about to leave Kingston for the Mauritius on board the ship *Lord Raglan;* and whether a vessel of such tonnage is capable of containing so large a number with any comfort or safety ?

SIR CHARLES WOOD said, it had not been decided that the *Lord Raglan* should embark 1,000 men; she would only carry 727 men ; the whole number on board—including men, officers, women, and seventy children—would be only 904. As she had before carried 984 with comfort and safety, he had no apprehension but that she was quite capable of carrying the number she was now about to take.

THE CATTLE MURRAIN.—QUESTION.

LORD NAAS asked the Vice President of the Board of Trade whether Her Majesty's Government had received any communications relative to the murrain said to be raging among the cattle on the Continent ; and whether he would lay such communications on the table of the House?

MR. LOWE said, he had no objection to lay the communications which had been received on this subject on the table, but a report which had been made by Dr. Greenhough, under the directions of the Board of Trade, would in the course of a day or two be laid on the table ; and as it would contain all the interesting information contained in these communications, perhaps the noble Lord would wait until he saw the Report. If however, on seeing it, the noble Lord was not satisfied, there would be no objection to the production of the original documents.

GUANO.—QUESTION.

MR. BAXTER asked the Secretary of State for the Colonies whether it was the intention of Her Majesty's Government to send out a few small vessels of war for the purpose of searching the rainless coast of Africa and other promising localities for supplies of guano ; and whether any negotiations had been entered into with the Brazilian Government for securing a right to remove nitrate of soda from the deposits lately discovered near Pernambuco.

SIR CHARLES WOOD said, there was no intention of sending out any special vessels to the district referred to by the hon. Member. Instructions had been sent out in 1844, in 1852, and again in 1853, to the commanding officers on various stations, including officers on the west coast of Africa, directing them to take every opportunity of ascertaining whether any guano, or places where any guano was likely to be found, existed on the coasts visited by them, or any large supplies of guano existed or were likely to be discovered on any part of the coast. Various reports had been received from naval officers on the subject, but nothing very satisfactory in the way of actual information as to the existence of guano in any great quantities or of any great value. Before sitting down he would answer a question on the same subject, of which notice had been given by another hon. Gentleman (Mr. Caird). The hon. Member wished to know whether a search for guano, nitrates, or other natural deposits of manure, formed part of the instructions to Her Majesty's naval officers at present engaged in the surveys of the coast of Egypt, the south-east coast of Africa, the south-western coast of the Pacific, and the River La Plata, all of which surveys were stated in the navy estimates to be now in progress ? There was not much probability of guano being discovered on the low lands of the coast of Egypt or on the banks of La Plata ; the survey of the south-east coast of Africa was a mere land survey, but with regard to the south-west Pacific orders had been given to the surveying-officers to ascertain the probability of the existence of guano. He was not aware that there were any negotiations going on with Brazil for the purpose of obtaining the right to remove nitrate of soda from the deposits lately discovered near Pernambuco.

POLITICAL OFFENDERS—WILLIAM CUFFEY.—QUESTION.

MR. THOMAS DUNCOMBE asked the Secretary of State for the Home Department why William Cuffey had not participated in the general amnesty granted in the spring of last year by Her Majesty to all political prisoners ? It would be in the recollection of the House that, on the declaration of peace, a general amnesty was issued under which all political prisoners were set free. Some twenty-eight prisoners obtained their freedom, and some of them returned to this country ; but for some reason or other William Cuffey had not yet been set at liberty. This had been brought under his notice by a report in the *Hobart Town Daily Courier*, dated February 14, 1857, of the proceedings in the Legislative Assembly there. A member asked Mr. Nairn, the representative of the Government,—

> "The cause why an absolute pardon similar to those granted recently to all other political offenders (excepting those who absconded from this island), had not been issued to W. Cuffey, who was transported to this colony as a Chartist some years ago, and whose conduct here is understood to have been such as to deserve consideration?"

To this Mr. Nairn answered,—

> "In July, 1855, an application was sent home for a conditional pardon, which was recommended by the Governor. No answer had been received to that despatch, nor had any despatch been received respecting an absolute pardon. Cuffey's conduct had been good."

He was sure that there must have been some omission or negligence on the part of the authorities at home, or Cuffey would have received his pardon with the other prisoners.

Sir GEORGE GREY said, there had been no difference made between Cuffey and any other of the political prisoners. A pardon was passed under the Great Seal to all political prisoners, and a list of them was transmitted to the colonial authorities, on which list was the name of William Cuffey. It was quite possible that there might have been some delay in restoring him to freedom, in consequence of a necessary reference to the law officers as to the form in which the pardons ought to be made out, and it might be possible that the despatch containing their decision had not arrived at the colony at the date referred to by the hon. Gentleman. The delay, however, would apply equally to all the prisoners, for no difference had been made, and as Cuffey's name was on the list he would receive his pardon at the same time as the others. He had no doubt, however, but that the man had been set at liberty before this.

THE SOUND DUES—QUESTION.

Mr. LIDDELL asked the First Lord of the Treasury whether there had been transmitted, along with the other documents on the subject, by Her Majesty's Minister at Copenhagen, Mr. Buchanan, a copy of the Report of the Committee of the Danish Imperial Council on the law relating to transit dues, dated Copenhagen, April the 17th; and if so, whether a copy of the same might be laid on the table of the House? He should also be glad to know when the Government intended to invite the opinion of the House on the very important matters contained in that convention?

Viscount PALMERSTON said, that no such document had been received by the Government from Mr. Buchanan. With regard to the other part of the question, due notice would be given as to the day when the subject of the convention would be brought before the House.

EDUCATION—QUESTION.

Mr. SLANEY asked the right hon. Baronet the Member for Droitwich, whether it was his intention to bring in any Bill this Session on the important subject of education?

Sir J. PAKINGTON said, that he did not intend to move for leave to introduce any Education Bill this Session, as he thought it would be quite useless for any private Member to attempt independent legislation this Session.

THE "URGENT" AND THE "MEGÆRA." QUESTION.

Admiral WALCOTT said, he wished to put a question to the First Lord of the Admiralty in reference to a statement made by him on a previous evening, when stating the circumstances under which the *Urgent* troop-ship had put into Corunna. It was of the highest importance that statements made by a Minister of the Crown, on matters of this description, should be unimpeachable, and he was sure, therefore, that the right hon. Gentleman would be obliged to him for calling his attention to a letter in *The Times* newspaper, in which his statement that the *Urgent* had put into Corunna in consequence of having met with severe gales and heavy seas was directly contradicted, and it was asserted that she went in in smooth water and calm weather. ["Order!"] If he was out of order, he would put himself in order by moving the Adjournment of the House, but he desired to have a satisfactory explanation, and looked with confidence to obtaining one from the right hon. Baronet the First Lord of the Admiralty.

Sir CHARLES WOOD said, he was very much obliged to the gallant Admiral for having given him an opportunity of setting himself right with the House after the attack which had been made on his veracity. He had been accused of having deceived the House by a false statement; but the only foundation for that charge was obtained by putting that into his mouth which he had never said, and of course it was easy enough to contradict a statement which had been misrepresented. He was accused of having said that the *Urgent* had been driven into Corunna by bad weather; but he had never said any such thing. On the contrary, he had read to the House a letter from her commander, in which it was stated that she steamed into Corunna in smooth water and fine weather. It was of the *Megœra* that he had said that she had been driven to enter Corunna by bad weather, and he had stated that a large merchantman which had been out in the same gale had been driven back, and had entered Plymouth under a jurymast. That statement applied to the *Megœra* and not to the *Urgent.* Before sitting down, the House would be glad to hear that he had received a letter from the commander of the *Transit*, written off the Cape de Verd island, in which he stated that the performance of the vessel under steam was of the most satisfactory description, the working of the machinery was good, and the speed averaged nine knots an hour, and that the health of the crew and of the men was most satisfactory.

STEAM-PACKET COMMUNICATION BETWEEN DUBLIN AND HOLYHEAD.

QUESTION.

Mr. GROGAN said, he should be glad if the Secretary for the Treasury would state what instructions had been given with regard to the providing of new berths for steam-vessels at Holyhead, and the construction of a tramway from the landing pier to the railway station.

Mr. WILSON said, that it had been represented to the Treasury by the company which proposed to undertake the mail service between the metropolis and Dublin that very great facilities would be given if the railway were continued from the Holyhead station down to the place where the vessels were brought up, and also that considerable delay would be avoided by bringing up outside instead of inside the pier, so that the vessels might come flush with the railway, and allow the passengers and mails to be landed at once upon the line. In consequence of those representations, Mr. Rendell had been placed in communication with those gentlemen and the railway authorities, and preparations were being made, both for carrying the railway down to the pier and also for the construction of a new pier for landing the passengers and mails, which would obviate the necessity of going round the old one, as at present. Every arrangement, in fact, was being made for the accommodation of that service.

NAVY ESTIMATES.

Sir CHARLES WOOD wished to state that the Navy Estimates for the year, which he had laid on the table, would be delivered to Members on the following day. In these Estimates there was nothing new, they were precisely similar to those which were submitted before the dissolution of the late Parliament; and he hoped, therefore, there would be no objection to their being proceeded with on Monday next. He had just laid on the table a paper, stating the sums which had been voted on account, and the sums remaining to be voted, with of course the difference between what had been voted and the whole amount required for the service of the year.

MARRIED WOMEN BILL.

LEAVE. FIRST READING.

Sir ERSKINE PERRY, in asking for leave to bring in a Bill to amend the law of property as it affects married women, said, he regretted that some measure on the subject had not been proposed by Government. The assurance given during the last Session by his hon. and learned Friend the present Chief Justice of the Common Pleas, had led him to believe that such would have been the case. On that occasion he had brought forward some Resolutions for the purpose of contrasting the different principles which are applied by Courts of Equity and Courts of Common Law to the property of married women, when the late Attorney General admitted fully that the rules of the common law were injurious and unjust, and intimated an intention to introduce in the next Session a satisfactory measure. He (Sir E. Perry) fully admitted, however, that the difficulty inherent in the subject, and the little discussion it had undergone in this House, were sufficient reasons why the Government should not be precipitate in their legislation, and all that could be expected on the part of those who object to the present law was a patient inquiry into the ground of their objections, and of the principles on which they contend a wiser law might be framed. In order to guard himself from the charge of presumption in venturing to propose an Amendment in an institute of social law, wherein he admitted legislation to be so difficult, he would crave leave to say that the subject had been most carefully canvassed for many months by the Law Amendment Society, of which several distinguished Gentlemen on both sides of this House are Members, and the measure he proposed was founded on the principles almost unanimously adopted by them, after deliberate and lengthened consideration; and, for himself, he would say he had too much profound respect for the House to have neglected any resource which industry or diligence might supply, in order to furnish materials fit for being brought before the notice of the Legislation, in considering the present state of the law. Before entering on the question, he would state that he was advocating no speculative or theoretic reform, but a measure framed to meet an acknowledged evil. During the last Session of Parliament nearly 25,000 petitioners, men and women, comprising many of the most distinguished names in literature, science, and art, and belonging to the most influential classes of society, complained to this House of the injustice of the present law, and of its harsh bearing on the interests of the great majority who depend on their industry and labour. Having pointed out the grievance, they now patiently and confidently relied on the wisdom of the Legislature to afford redress.

There was another reason which appeared to make speedy legislation on this subject extremely desirable. In another place, attempts had been made to alter the law of England as respects divorce, and to establish as a right the power of dissolving the marriage tie in certain cases. But, although this right had been claimed in certain vehement and very eloquent pamphlets, as founded on indubitable justice, no popular demand had arisen on the subject. Divorce practically did not exist, and never had existed in this country, and we certainly had no reason to believe that the people of England desired that the facilities of divorce which existed in some Protestant countries so much to the corruption of morals therein should be introduced into England. The House had not received a single petition on the subject, and it certainly was one which was the most dangerous and the most difficult for a legislator to meddle with. But the House had received grievous complaints as to the abuses of the law of property which occur in the married state. When misconduct occurs on the part either of the husband or the wife, the main object and design of the innocent party is to be relieved from all pecuniary liability arising out of the ill-starred union, and his firm belief was, that if a wise and comprehensive law, regulating the enjoyment of property between husband and wife were passed, all demand or necessity for tampering with the indissolubility of marriage would disappear. The objections to the common law of England, as it affected the property of married women was, that it was unjust in principle, unlike the law of all other civilized nations, a departure from the principles of the old common law itself, and above all, grievous in its operation on the community at large. He would touch on these points lightly, as he understood the introduction of the Bill would not be opposed. By the law of England, the act of marriage hands over the whole of a woman's personal property to her husband, and reduces her to a mere nonentity. She cannot acquire property; she cannot sue or be sued, and, indeed, has no civil rights which she can assert in a court of justice. Nay more, it would be found that, in all questions of property between husband and wife, either by decisions of courts of justice or by the express enactments of the legislature, the husband had been preferred, and the interests of the wife sacrificed. Thus, with respect to a woman's dower or life interest in her husband's lands after his death, the Courts denied it to the widow out of the equitable lands of the husband; but when a similar question arose as to the equitable lands of the wife, they gave the husband his life interest therein, or what is called his curtesy. And now the Legislature has enabled husbands to deprive their wives of dower altogether. So with respect to the widow's right to a third of the personal estate of her husband, the Courts allowed husbands to leave away the whole of their personalty by will; and thus a wife, giving all to her husband on marriage, was entitled by the present law to absolutely nothing in return. Yet, with amusing self-complacency, Sir William Blackstone laid down "that the female sex are great favourites of the law of England."

Now, the Roman law, which was universally allowed to have dealt with rights of property with more practical good sense and comprehensive views than the codes of other nations, gave the married women full rights over all such portions of her own property, as she had not handed over by ante-nuptial agreement to her husband to bear the charges of the marriage. The German law deals with the property of husband and wife on the principle of community of goods, or *communio bonorum ;* but though it allows the administration to remain in the hands of the husband, it recognizes the clear right of the wife to her share in this common property, which she may assert either in the case of improper conduct on the part of the husband, or on the dissolution of the marriage. Nay, the early English law pursued the same liberal principle of recognizing equal rights on the part of the wife, and dealt with the only property which was then of sufficient value to be regarded seriously by the law, namely, real estate, on terms as beneficial to the wife as to the husband. The common law did not and does not transfer the wife's property in land to her husband, but recognizes a distinct title in each, and whilst it gave to the husband a life-interest in the wife's lands after her death if there happened to be a child born, it gave to the wife a third part in her husband's lands whether there was a child born or not by way of recompense. With respect to personal property which, in the days when the rules of the common law sprung up, was too insignificant to have much attention paid to it, although the law, founded no doubt on usage, gave it to the husband absolutely ; the old English law, like the law of all the German nations, recognized the absolute right on the part of the wife to take one-third of all the common stock of personalty on her husband's death. This right, Sir William Blackstone tells us, married women lost by "imperceptible degrees;" that is to say, husbands assuming the right to bequeath all their property, the courts of justice recognized such wills, and gradually judge-made law grew up which effectually deprived wives of their clear and indisputable right.

The law of England on this head then being thus one-sided, being, unlike most laws, all in favour of the stronger, not of the weaker party, and being founded on a different principle from that which has governed the legislation of other countries, English jurists are undoubtedly called upon to justify this anomaly. For the credit of the legal profession, there are scarcely any who defend the English law as it is ; difficulties are suggested as to the alteration, but the injustice of the present law is pretty generally admitted. There are, however, some sages in the law, and if I mistook not the argument last year of my hon. and learned Friend the Member for Wallingford (Mr. Malins) he must be one of them who defend the law in all its vigour. He (Sir E. Perry) had heard the justification placed in as clear and forcible terms as it was capable of being couched in: "the law throws on husbands the maintenance of wife and children and the education of the latter; he is the proper judge how these duties shall be performed, and therefore he ought to have all the wife's personalty to enable him to perform these duties." But this was not a logical conclusion. Even if it be correctly stated that the father is bound by law to maintain and educate his children, and that he ought to dispose of his wife's personalty for these matters, what if there were no children, if the wife died a week after the marriage, if the husband had a mistress, was it just, was it reasonable that he should be allowed in all these cases to have the absolute property in his wife's personalty ? to squander it away, or to give it to his own natural children ? But the present law allowed it, and grievous misapplication of the property constantly happened.

The argument, however, was unsound in another particular ; the conclusion was not supported by the premises; but the premises themselves were not correctly stated. The rights of the husband are based on his supposed liability to the charges arising out of the marriage, but this liability is stated much too broadly. It was true a husband is bound to maintain his wife according to his station ; he is not bound to maintain his children according to theirs, or to educate them at all. The law of England has been content, and on the whole wisely, to leave these duties to be governed by the laws of nature, by the strong parental feeling which induces the great majority of mankind to make all the sacrifices that may be required for the welfare of their offspring. But this parental feeling was not less strong, it was probably much stronger, in the female bosom ; and if the law could safely leave man unfettered to perform such duties towards his children, there could be no necessity to take away a mother's property from her for fear that she should be less sensible to the calls of duty and the claims of those whom she has brought forth in her travail.

He contended, therefore, that the present law was wholly unjust in principle, and that the reasoning brought forward in its support was unsound. But those who had approached this House as petitioners relied mainly on the grievous operation of the present law in practice. They were ready, if an opportunity was offered to them, to adduce a mass of evidence in cases which had come within their own observation, and they contended that the evils of the present law extended to all circles, although they were chiefly felt amongst the industrial classes of the community.

It was not necessary now to bring forward examples of the evil operation of the law; they had been given copiously in many late publications, and those who had examined into the subject knew how frequently the law was taken advantage of for the most selfish and basest purposes. But he would mention one case, which was related by an eminent solicitor as having lately occurred. In a letter, which appeared in a late number of the *Edinburgh Review*, he related that, having been called in by a lady of rank to stop the marriage of the daughter, who had eloped with an officer, and who was possessed of considerable fortune, which stood in her own name, in the funds, he arrived with the mother at the church just previous to the marriage; but, from the girl being of age, was only able to succeed in postponing it for twenty-four hours, during which time, however, the bridegroom, full of professions, consented to settle the lady's fortune on herself. The articles were prepared and signed in the vestry, and obtained the attestation of the officiating clergyman, and the solicitor was fully satisfied with the solemnity of the proceedings and the apparent truthfulness of the bridegroom. But, with the caution generated by his professional habits and his knowledge of human nature, he thought it fit, onthe same day, to put what is called a *distringas* on the lady's stock; and most fortunately he did so, for at the earliest possible period the husband, unknown to his wife, proceeded to the Bank of England, with proofs of his marriage in his hand, and demanded the transfer of the Stock to his own name. The *distringas* stopped him, and the fortune was subsequently settled on the lady.

Sir Erskine Perry

And now with respect to the remedy. If asked what should be the governing principle of any sound law of property for married people, he would say that it should be left entirely in their own power to make whatever arrangements they please before marriage as to the enjoyment of their fortunes. Such power existed at present by law, and needed no alteration. Legislation was only required for those cases wherein, either from improvidence or ignorance, or the absence of any fortune at the time of marriage, no settlement had been made. For all these cases, he was convinced, after long and earnest consideration, and after repeated conferences with many most learned and experienced men who had devoted their best attention to the inquiry, that no adequate protection could be given to married women, except by leaving them in the enjoyment of their own fortunes and acquisitions. By the law of England, a single woman was capable of exercising all the civil rights of property, and the responsibilities of property fell upon her likewise. By the highly artificial rule, which had grown up as to marriage, all these rights were denied to an English married woman, and her existence as a legal person was denied by the law. By a fiction of law, husband and wife are considered one person. Like most legal fictions, these had worked great evil, and, amongst the wealthier classes, had been got rid of by the interposition of courts of equity. The remedy was to abolish this fiction altogether, but your written laws accord with the laws of nature and good sense, and let a married woman stand exactly in the same relation to property the day after her marriage as she did the day before.

If this principle was once introduced into our law, it would of course follow, that the responsibilities of property would attach on a woman married, and that she would be liable on her own contracts at law, as she is now in equity, when she has separate estate. By this means that extraordinary anomaly in the law as to the liability of husbands for their wife's debts, contracted before marriage, would be abolished. A husband was not liable for the debts of his wife after marriage, except those which he had authorized her to contract, but he was liable for any amount of debt contracted before marriage, and this was the logical and inevitable consequence of giving all the wife's property to the husband. The same conclusion was applicable to all the wrongful acts of a married woman, which might cause damage to another; the husband might have done his utmost to check the slanderous tongue of his wife, and to have inculcated charitable feelings towards her neighbour; but if she infringed the law in any respect, it was the husband alone on whom the pecuniary responsibility fell. He was quite sure that he spoke the sense of the women of England, when he stated that they desired no immunity on this score; they felt that moral responsibility attached to the uncontrolled acts of every individual, and that the civil sanction ought to coincide with what both Christianity and the precepts of sound morality dictate. In seeking to introduce the principle of giving married women equal rights of property with their husbands, the House has the security of knowing that it is entering upon no new field, but on ground amply tested by experience. It was the principle of the civil law, which was once designated by Lord Lyndhurst, as the noblest monument of human wisdom the world has yet seen. But, what was more germane to a discussion on English jurisprudence, it was the same principle as had been adopted by nearly all the States of America, who having imported the common law of England, have endeavoured to improve upon it. He was enabled to give the House some valuable evidence as to the success which had attended the alterations of the law in the United States. The Law Amendment Society, having put itself in communication with some American jurists, as to the state and operations of the law in that country, had received a letter from a most eminent man, whose name was well known in England, Mr. David Dudley Field, and he (Sir E. Perry), would take the liberty of reading a portion of it to the House.

"New York, Jan. 29, 1857.

"Gentlemen,—I now give you a copy of the statutes of New York at present in force relating to divorces and the property of married women, and a copy or extract of the statutes of the other States relating to the latter subject up to 1854. . . . . The subject is difficult and requires delicate handling.

We know that what is wanted for the protection of married women is to secure their persons, property, and earnings against abuse by improvident or ill-disposed husbands. If a law could be framed for these cases of abuse there would be no need of disturbing the present legal relations of the sexes in other cases. But this would be obviously impracticable. Whatever law is passed must be general, relating to all wives and all husbands, and securing to all wives those rights which only the unhappy need assert. The changes which thus far have been made in this State have proved in their operation as beneficial as any reasonable friend could have expected. Of course there are cavillers, as there are against every change, but no one imagines that an effort to repeal the laws would be successful. This is the best test of the operation of a measure according to the judgment of the people upon whom it operates. An attempt to restore the old laws of marital rights would have as little chance of success here as an attempt to restore the Corn Laws in England.—I am, &c.,

"DAVID DUDLEY FIELD."

He concluded by thanking the House for the patience with which he had been heard in the necessarily dry exposition of the reasons he had placed before them. The subject was undoubtedly capable of being illustrated from many points of view, by eloquence and feeling, but as the making a new law was the question before the House, he had addressed himself solely to their understanding. He would only say in conclusion, that although, by the aid of settlements, solicitors, and the Court of Chancery, the wealthier classes of society did not feel the pressure of the present law, the House must not judge by their own experience in the circles in which they immediately moved, but must inquire carefully amongst their constituents, whether the necessity was not every day increasing for giving to married women legal rights in their own property and acquisitions.

He would now move for leave to bring in a Bill, to amend the law with respect to the Property of Married Women.

MR. DRUMMOND said, the hon. and learned Gentleman had asked him since he had entered the House to second his Motion, and he felt great pleasure in complying with that request. He was convinced that the oppression occasioned in the case of married women by the operation of the existing law was exceedingly unjust and severe. He entertained considerable doubt, however, whether his hon. and learned Friend would be able to accomplish the object which he had in view without taking a prior step and giving greater facility for obtaining divorces *à mensâ et thoro*. He had hoped that a Bill upon that subject would have come down from the other House in time to afford them an opportunity of dealing with the question before the measure under their notice had been introduced; and he might add that the point was one upon which he felt so strongly that he had intended to bring in a Bill himself with regard to it, and he should have done so had he not learned from experience the utter inutility of an attempt to carry such a Bill through its various stages upon the part of anybody except some great man connected with the Government.

THE ATTORNEY GENERAL said, that in rising to state that he would not oppose the Motion which the hon. and learned Gentleman the Member for Devonport had just made, the Government was by no means desirous of preventing discussion upon the subject with which his Bill proposed to deal. On the contrary, he should be very glad that hon. Members generally should give to that subject their anxious attention, inasmuch as they must be prepared to take it into consideration when the Divorce Bill, which might confidently be expected to come down from the House of Lords, came under their notice. The proposition of the hon. and learned Member was one of a character very different from the ordinary schemes of law reform. The laws affecting the property of married women, and their *status* with respect to that property, were intimately bound up with our social institutions, and it was by no means a light matter to attempt to introduce into a system of jurisprudence such alterations as must involve a material change in the social and political institutions of a nation. He thought, therefore, that hon. and learned Gentleman had taken upon himself a very difficult and onerous task, and if his Bill contained no other provisions than those to which he had referred in the course of his speech, he must not anticipate that it would be received with very general favour. Indeed, so far as he (the Attorney General) could gather from the observations of the hon. and learned Gentleman, the operation of his Bill seemed to be confined to the creation of a *communio bonorum*, to the placing of the women of England in a "strong-minded and independent position," which so few chose for themselves, and which position the hon. and learned Gentleman had described as consisting in the rendering them accountable for everything which they might say or do. Now he (the Attorney General), for one, did not think that was a position which the best and most amiable of the women of England were anxious to occupy. He was at the same time undoubtedly desirous that the law of this country upon the subject of the property of married women should be made consistent with itself, and as an individual Member expressing individual opinions, he would endeavour to point out how far he was predisposed to go in the advocacy of a measure of reform upon that head. The hon. and learned Gentleman had correctly observed that there existed a remarkable difference between the effects of the contract for marriage upon real and personal property. The House was well aware that during the early history of the laws of England personal property had been greatly disregarded. Such, however, had not been the case with real property, and when a marriage took place the law gave to the husband, not unqualified ownership over such property, but a right to receive the rents and profits arising out of it during the period of coverture. He could make during that period no alienation of it which would operate as an effectual sale, without the consent of his wife. How absurd did it appear that, while the profits only of a landed estate of £500 hundred a year went to the husband, yet if the wife were possessed of £20,000 in the funds, the entire and uncontrolled possession of that money was transferred to the husband with the hand of the bride. He should feel by no means indisposed to allow the husband the right to enjoy the dividends only upon that sum, unless, indeed, the wife, subsequent to the marriage, taking advantage of the safeguards which the law at present threw around her in the case of real property, should consent to transfer her personal property herself. He should, he repeated, allow the dividends to go to the husband, as was now the case under the existing law, subject to the condition of maintaining, protecting, and guarding his wife; and if that duty were not duly discharged he should propose that the property should remain intact, and that the life interest of the husband in it should revert to the wife, in case she had been deserted or brutally treated. There was another portion of his subject to which the hon. and learned Member had but slightly alluded, and that was the property which a married woman might have acquired by her labour in any trade or business carried on without the co-operation of her husband. Now, with respect to that description of property, Courts of Equity would hold, and, indeed, were in the habit of recognizing the separate interests of the wife; and he should, therefore, give his consent to the proposition that the exclusive earnings of a wife during coverture should become her separate property. He might also state his opinion in reference to any acquisitions of the wife in the shape of gifts made to her after the coverture. The Common Law was at variance with Equity on this subject, and the variance led to great inconvenience. If a married woman who had made no settlement had a sum of money or other property bequeathed to her after the coverture, although the Common Law gave the whole to the husband absolutely, she had a right to come into a Court of Equity and require a settlement to be made. A certain portion of the principal was then taken away and set apart for her use, with remainder to the children of the marriage. But this could only be done in a Court of Equity, and even this interposition was limited by the amount of the property in question. Such a right ought to be possessed by a married woman without the necessity for applying to a court of justice at all, and it was cruel to throw upon her the obligation to come into so costly a tribunal as a Court of Equity for such a purpose. But the interposition of Equity took place in consequence of the law which gave to the husband absolutely the property of all personalty in possession. If that law were altered the necessity for such interposition of Equity was removed; and he proposed that as to the acquisitions of property subsequent to the marriage, the law should give to the husband a life interest only arising from the property, subject to the same obligation of protecting and maintaining the wife which the Common Law in principle upheld. The mode of enforcing it, indeed, was weak and inefficient, but it would be efficient if the law were accompanied with a provision that the husband should, on deserting or ill-treating his wife, forfeit his interest in the income, which should immediately revert to the wife for her separate maintenance. He only spoke for himself, for he did not know how far those Members of the Government who had considered this subject were prepared to go. He did not know any subject more difficult, or that ought to be approached and handled with more anxiety and care than anything that dealt with the existing established relations between husband and wife.

Sir JOHN PAKINGTON hoped that the hon. and learned Member for Plymouth, in drawing this Bill, would very much follow the course recommended by the Attorney General. He saw no reason why a married woman should not enjoy the same protection and security in regard to personal property that was given to real property. There was one defect in the law, however, to which the hon. and learned Gentleman had not alluded. Cases of great hardship sometimes arose where a separation had taken place, and where parties were not living as husband and wife but without a divorce. An ill-conducted husband would frequently in such cases seize the earnings of his wife, and appropriate them to his own use. He believed that the law did not at present protect a woman so situated. If such were the law, a more pressing and important case for legislative interference was made out than in the relations of husband and wife during coverture.

The ATTORNEY GENERAL: Of course I meant to include such a case as that.

Sir JOHN PAKINGTON: But the hon. and learned Gentleman did not mention this as one of the cases with which he meant to deal.

The ATTORNEY GENERAL: Well, but if my observations applied to the ordinary case of married women, they, of course, *a fortiori*, applied to such a case as that mentioned by the right hon. Baronet.

Sir JOHN PAKINGTON was glad to hear the hon. and learned Gentleman say so, for there would be no difference in opinion as to the necessity of applying a remedy in such cases. He thanked the hon. and learned Gentleman the Member for Plymouth for the course he was pursuing, but he would act wisely in following the judicious advice of the Attorney General. Certainly here then was a field for law reform, but the House could not proceed with too much caution in legislating on this subject.

Mr. BERESFORD HOPE thought that this matter was not so clear as the right hon. Member for Droitwich (Sir J. Pakington) assumed it to be. However, the terms in which the Motion was made, and still more the speech of the Attorney General was the best answer to the rather extravagant demands of the large and manly body of "strong-minded women," whose advocate the hon. and learned Member for Plymouth had constituted himself; but who, he fancied, would hardly be satisfied with what was now proposed for their benefit. Hitherto there had been free trade in the pecuniary relations of husband and wife, and to revert to a system of protection required rather delicate handling. And his (Mr. Hope's) opinion was, that legislation on this subject was not likely to prove practically beneficial. The hon. and learned Member who made the Motion had indeed himself given the best and most logical answer to his own proposal when he alluded to a father not being liable to support his son beyond what the poor law compelled, and added that more was not necessary, as natural affection would supply the rest. If natural affection were sufficient between parent and child, *a fortiori*, it would be sufficient between husband and wife. It appeared to him that there was as much necessity for, and not more difficulty in, legislation with respect to the relation of parent and child; and if this Bill passed, we might next Session have a Bill to protect "respectable" parents from profligate sons, and, the Session after, one to protect "respectable" sons from curmudgeons of fathers. No doubt the law of husband and wife was in an anomalous state in many respects, but the Attorney General had done wisely in removing the subject from those questions of abstract women's rights which were sometimes advocated by young ladies in pamphlets, and further developed by Margaret Fuller, afterwards Marchioness Ossoli, and in the pages of *Aurora Leigh.* The measure had two sides, one object being to protect the rich, and the other the poor. The hardest cases of grievance no doubt were found when drunken and profligate husbands wrenched from their hard-working wives the few pence they had just earned by the sweat of their brow. But how could any legislation meet such cases? If the law declared that these pence should be her own, how could it save her when the brutal husband came to wrest them from her hand? She might go to a magistrate, but what could a magistrate do? He might make an order upon the husband to refund the money, but that would be already spent; and if the magistrate sent the husband to prison, he would, perhaps, only leave the wife to beg in the streets. Such a law, to give effectual protection to the woman, would require a more expensive machinery than he at present saw his way to constitute. Then, if Parliament recognized a separate right in the wife to property and earnings, would it not in some sort encourage a bad husband to say to his wife, "Go and earn your own bread, as the Act of Parliament tells you, and I wash my hands of your support." With respect to the rich, in matters of marriage settlements and other cases, he thought that the doctrine of *caveat emptor* was a very good law. He should not oppose the introduction of the Bill. Doubtless there were many anomalies in the law which ought to be corrected, but let them consider the whole conjugal question in its undivided bearings. Particularly as it was under discussion in another place, he thought it hardly right to enter into a branch of it at present. Let them amend the law, but at the same time steadfastly resist the breaking down of the distinguishing characteristics of Englishmen—the love of home, the purity of husband and wife, and the union of one family.

MR. M. MILNES was astonished at the language used by the hon. Member for Maidstone (Mr. Hope) than whom, if the public prints were to be believed, no Member of that House was more indebted for the honourable position he now occupied to the influence of the sex whose interests this Bill would protect. The hon. Gentleman, therefore, was not exactly the man whom it became to sneer at the "strong-minded women" whom the opponents of this measure said were at the bottom of this movement. The House ought to address itself to the Amendment of our matrimonial law in a serious, not a jesting spirit. It was only at the eleventh hour that they came to consider this matter, when the accumulated wrongs of an innocent and helpless portion of their fellow-countrywomen forced them to grapple with it. Though the provisions of this Bill were in the main wise and just, its subject would, from its novelty and the general interest it excited, bear a great amount of discussion, and he thought that his hon. Friend who had brought it forward deserved the thanks of Parliament for having broken the ground. Let the hon. Member for Maidstone make his mind easy on one score—that House would do nothing to attack the sanctity of the English home; and even if, by the letter of its written enactments it made the attempt, the domestic institutions of this country lay far too deep in the hearts of the people for such legislation to produce the effect apprehended by the hon. Member. It was the duty of Parliament to interpose for the correction of the patent and admitted evils connected with the relations of husband and wife; and it was a total mistake to call this solely a woman's question. In some of its gravest bearings it was also a man's question. It dealt not only with the case of a wife deserted by her husband, but likewise with that of the husband deserted by a worthless wife, who, after leading a profligate life when away from him, might return and force him to maintain the children to which she had given birth in the interval.

MR. MALINS, while reserving any more lengthened observations till a future stage of this measure, yet wished it to be understood that he retained the objections he had previously stated to its provisions, so far as they sought to set up a separate interest between husband and wife while living together; but, so far as they related to the interests of husband and wife when voluntarily separated, that was another matter, and he should be prepared to give some part of the measure his support.

Motion *agreed to.*

Leave given.

Bill *ordered* to be brought in by Sir ERSKINE PERRY and Mr. MONCKTON MILNES.

Bill *presented,* and read 1°.

MINISTERS' MONEY (IRELAND) BILL.

LEAVE. FIRST READING.

MR. FAGAN, moved for leave to bring in a Bill to amend the Act of 17th & 18th *Vic.* c. 11, with a view to the abolition of Ministers' Money in Ireland. As he understood no opposition would be offered by the Government to his present Motion, he thought he should best consult the pleasure of the House by deferring any observations he might have to make to another occasion.

MR. STAFFORD, without resisting the introduction of the Bill, called upon the Government to declare their opinions upon it.

VISCOUNT PALMERSTON: Sir, I took the opportunity of last Session, when my hon. Friend brought this subject before the House, to state that the Government, after full consideration of the matter, were prepared to concur with his Motion. Some of the details of the Bill may possibly require alterations, but its principle we are ready to support.

MR. DISRAELI: I understand the "principle" of the Bill is the abolition of ministers' money, a principle which has always been opposed by every Government within my recollection. Lord John Russell's Government opposed it; the Aberdeen Ministry opposed it; as did also the noble Lord himself, who even called it a "principle of confiscation." However, this is not a fitting opportunity to enter into the discussion of the principle of this Bill. The best time for doing that is when we are prepared to divide; for when leave is asked to introduce a measure, and the required permission is conceded by the Government, that is not a convenient opportunity for canvassing its merits. But there is one observation on a Bill of this kind which I cannot now refrain from making. The importance of its principle cannot be exaggerated. In fact, if sanctioned, it will strike at the very root of all church property. The Bill, it seems, is approved and will be supported by the Government. Under these circumstances, is it not much better, when a measure involving a principle of such gravity is to be brought in, that it should be introduced by the Government itself? And if Her Majesty's Ministers have deemed it consistent with their duty to permit a private Member to bring forward a Bill on a subject of this magnitude, they are bound in fairness to this House and the country to take care that, its principle having been approved by them as Ministers, this House should have an early opportunity of expressing its opinion upon it. If a measure of this kind be left to a private Member of this House, the chances, as we have been told by the hon. Member for Surrey, are greatly against its ever being brought before the House for a definitive decision. I think, therefore, after the frank acknowledgment of the noble Lord that he approves the principle of the measure of the hon. Member for Cork, and that his Government intends to support it, the noble Lord is bound to make such arrangements that it should be brought speedily to a second reading, in order that the House may have an opportunity of expressing itself upon its policy. I myself shall certainly give to it an earnest opposition.

SIR GEORGE GREY: I agree with the right hon. Gentleman that it would be inconvenient to discuss this measure at present, and that it would be better to do so on the second reading. I will therefore not follow the right hon. Gentleman in the observation which he has made in opposition to the Bill. I will only say that we propose to do that which was stated by the right hon. Gentleman the Chief Secretary for Ireland at the close of last Session—namely, to act in accordance with the recommendation of a Committee of this House which sat in 1847. That Committee reported that the collection of these funds from house to house in the towns in which it is levied is so difficult, that it would be prudent to discontinue it.

Considering, then, the difficulty which has existed in the collection of the money, and the fact that the Ecclesiastical Commissioners were bound to pay it, while they were unable to obtain repayment, the Corporation of Ireland ought to be exonerated from the duty of collection—a duty which they are unable or unwilling to perform, and which they could not be compelled to perform without a long litigation. I will merely add with regard to the introduction of this Bill that it is a measure which has been frequently brought before the House, and it would have been somewhat ungracious to take it out of the hon. Member's hands after he had given notice of it. With respect to the delay which it is said is likely to occur through the measure being left to a private Member, I can only say that, looking at the character of the Government business which is, or which shortly will be, before the House, and the time which may be occupied with the consideration of the Estimates, I believe the House will be called upon much sooner to pronounce an opinion upon this Bill by its being fixed for a Wednesday—a day which is open for the progress of Bills brought in by private Members—than if it were postponed to a Government day.

Mr. NAPIER: I think that Wednesday is the most inconvenient day that could have been fixed upon for the discussion of a measure of so much importance. I do not know whether the Secretary for Ireland made at the end of last Session the statement which is reported to have been made by him; but I believe that the accuracy of that reported statement has been admitted by the right hon. Gentleman himself. I am so informed from a communication which I have had with the Ecclesiastical Commissioners, who say they have been told that the right hon. Gentleman is prepared to admit in his place in the House of Commons the accuracy of that reported statement. At all events, when the discussion comes on, I shall be prepared to show that that statement is inaccurate in all its parts, as reported. The right hon. Baronet the Secretary of State for the Home Department upon two occasions, and while he held under Lord John Russell the office which he now holds, opposed the abolition of Ministers' Money. The Committee of 1848 did not report in favour of its abolition. It reported that a substitute should be provided when the funds of the Ecclesiastical Commissioners should have so increased as to produce a margin applicable for the liquidation of this demand. The whole question is of deep importance. It involves a deep principle. It affects the Church of Ireland, and, consequently, the United Church of England and Ireland; but I shall reserve my observations till the second reading, on which occasion I think I shall be able to show a sufficient case for its entire rejection.

Mr. HORSMAN: What I said was this—that the report of the statement which I made was correct in all its parts, but that if any one impugned the accuracy of what I said, and could show me in what respect I was inaccurate, I should be happy to receive his information, and to acknowledge my error in my place in Parliament.

Mr. NAPIER: One of the inaccuracies of the right hon. Gentleman is this—that he stated the margin of the Ecclesiastical Commissioners' funds to be £22,000 more than it really is.

Mr. HENLEY having briefly urged upon Lord Palmerston the great inconvenience of a Bill involving such important principles being discussed on a Wednesday,

Leave given.

Bill *ordered* to be brought in by Mr. Fagan and Mr. Beamish.

Bill *presented*, and read 1°.

REGISTRATION OF VOTERS (SCOTLAND) BILL—LEAVE.

The LORD ADVOCATE moved for leave to bring in a Bill to amend the law for the registration of persons entitled to vote in the election of Members to serve in Parliament for Counties in Scotland.

Mr. BLACKBURN had hoped that as Her Majesty's Government had promised to introduce a Parliamentary Reform Bill next Session, and had asserted that there was an understanding that all measures relating to the representation of the people should be deferred till that period, the Lord Advocate would not have asked the House to consider this Bill, which was considered by the last Parliament and was found to be in many respects very objectionable.

Mr. G. DUNDAS should feel it to be his duty to take the same course this as he did last year with regard to this Bill. He greatly regretted that the Lord Advocate should have attempted at so late a period, and so long after those meetings which were held in Scotland for the discussion of measures of public importance, to urge on his measure, which had already caused so much dissatisfaction and expense in those Scotch burghs to which its principle had been applied. Scotland was already over-taxed, and this Bill would add unnecessarily to her burdens. He advised the Lord Advocate to withdraw his Motion until the noble Lord at the head of the Government introduced what the hon. Member for Surrey called the "hodge-podge" of next Session.

Mr. KINNAIRD rejoiced that the Lord Advocate intended to persevere with his Bill of last Session, because he believed that wherever its principle had been put into operation in the burghs of Scotland it had worked admirably.

Mr. CRAUFURD bore testimony to the satisfactory operation of the principle of the measure in the Scotch burghs, and said, he believed that the extension of the principle to Scotch counties would be a great boon. It ought to be recollected at this time, when all were anxious to see the franchise extended, that, before it was lowered, care should be taken to enable all those who were already entitled to the franchise to exercise it. The expense at present connected with placing a Scotch county voter on the registry was so great that many men were deterred from applying for the enrolment of their names on the registry. He hoped, therefore, that the Lord Advocate would press forward this measure.

The LORD ADVOCATE, having promised to give on the occasion of the second reading a full explanation of the measure, and to defend it against the observations of Mr. Blackbûrn and Mr. Dundas,

Leave given.

Bill *ordered* to be brought in by The Lord Advocate, Sir George Grey, and Viscount Duncan.

MEDICAL PROFESSION (No. 2) BILL.

LEAVE. FIRST READING.

Lord ELCHO moved for leave to introduce a Bill to alter and amend the laws regulating the Medical Profession. After what had passed yesterday he would make no remarks on the details of the measure. He wished the House to understand, however, that the Bill was not his own, but was one which had been referred to a Select Committee in 1856, had been amended by that Committee, and by them reported almost unanimously to the House. He asked for leave to bring it in solely that the House might judge between it and the Bill of the hon. and learned Member for Newcastle (Mr. Headlam).

Leave given.

Bill *ordered* to be brought in by Lord Elcho, Mr. Craufurd, and Mr. Brady.

Bill *presented*, and read 1°.

House adjourned at a quarter before Seven o'clock.

HOUSE OF LORDS,

Friday, May 15, 1857.

Minutes.] *Took the Oaths.*—Several Lords; The Lord Petre took the Oath prescribed by the Act 10 *Geo.* IV., to be taken by Peers professing the Roman Catholic Religion.

Public Bill.—1ª Sale of Poisons, &c.

THE WORKS IN ST. JAMES'S PARK—

QUESTION.

The Earl of MALMESBURY said, in pursuance of the notice he had given, he rose to call the attention of the Government to the works now being carried on in St. James's Park; and to ask what were the objects and what would be the probable expense of those works. Any one of their Lordships who might have directed his attention to the proceedings now going on there must have been convinced that considerable expense would be incurred before the works now in progress were completed. For himself, he had in vain attempted to discover how the benefits likely to result from those alterations could be at all in proportion to the money which they would cost. He ought to tell such of their Lordships as were not aware of the facts that the piece of ornamental water in St. James's Park, some twelve or thirteen acres in extent, had been completely drained off, that the bottom of the lake had been levelled and covered over with a strong concrete six inches thick, and that the result would be that in future the lake would be rendered considerably more shallow, and would contain an average depth of water of probably three or four feet. There were other works going on besides; by which the water was to be pumped up into the lake and carried over the whole of its surface, and then away to the river. He had taken the opinion of a competent authority on the subject, and the result was that he (the Earl of Malmesbury) could not estimate the total expense of the works in question at less than £12,000 or £14,000. Their Lordships would no doubt recollect that Parliament in 1856 voted £8,000 for making the approaches to the Park. He had been told by a person likely to know the views of the First Commissioner of Public Works, what were the advantages likely to accrue from the alterations now going on—they were three in number. He was informed, first of all, that the palace of Her Majesty would be rendered more healthy, by the water in the lake being kept pure. He could only say that, living as he did in the immediate vicinity of St. James's Park, he had never observed any inconvenience arise from the state of the water in the lake, nor had he ever heard from any one else that any such inconvenience existed. He knew well that their Lordships would only be too happy to contribute by any means in their power to the health of the Royal family; but, thank Providence, their Lordships had never heard of any ill-health in the family of Her Majesty. The second object was that very great convenience would accrue to skaters on the lake during hard winters. But he (the Earl of Malmesbury) thought that could be no very great *desideratum*, seeing that it was only about once in two years that any skating could be enjoyed in that part of the metropolis for more than a week; and he, therefore, thought that object would not at all justify the expense. The third point was that there should be a constant supply of water carried through the lake, the effect of which would be to render the water transparent, and, therefore, at once wholesome and ornamental. His impression, however, was that if by that expensive layer of concrete they prevented the natural percolation taking place through the mud and vegetation that usually collected at the bottom of pieces of ornamental water, and which had the effect of purifying the water, instead of putting a stop to the inconvenience of which complaint was made, the result would be very much to increase it. He knew, at all events, from a noble Friend of his who once filled the office of Commissioner of Woods and Forests, that that had been the effect of paving with bricks the bottom of the reservoir in the Green Park, and in consequence the reservoir had been filled up altogether. He had another, though it might be a minor objection to the works in progress. Their Lordships all knew that however beautiful the pieces of ornamental water in St. James Park was, its attraction was very much enhanced by the water fowl which live upon it. If a collection of water fowl was in future to be maintained there, the department of Public Works would have to employ people to feed them regularly, now that all the aquatic vegetation which grew in the lake, and on which they mainly subsisted, had been cleared away and would be prevented from again accumulating. Again, he (the Earl of Malmesbury) had received letters from several of the residents in the neighbourhood of Queen's Square and near St. James's Park, stating that the works now in progress in the Park had completely drained their wells and rendered them useless. They had not complained of that, because they were ready to put up with a temporary inconvenience; but, he had been informed on competent authority that if the steam-engine now set up in the Park was to be permanently maintained, as he understood it was, to pump the water into the lake and through it, the wells in the vicinity would be rendered entirely dry by the process and the inhabitants there greatly inconvenienced. But he looked upon the works in question in a much more serious light. They were at best but a piece of fanciful extravagance on the part of the right hon. Baronet now at the head of the Department of Public Works (Sir B. Hall). Depend upon it, proud as we were of this country, and convinced as we were that it was all-powerful—he might almost say immortal—Parliament and the people at large must pay greater attention to the finances of the country than they had done, unless at some period, and probably not at all a remote one, they were prepared to encounter evils such as they had not hitherto experienced. He never saw a public document more likely to occasion well-grounded alarm to their Lordships and the country than the return of the money expended in Miscellaneous Services from 1838 to 1856, recently laid upon the table of their Lordships' House. It might be said that the £12,000 or £14,000 about to be expended on this lake was nothing to a country like this; but when they added to that a number of sums of smaller or greater magnitude, which made in the aggregate an enormous amount, he submitted it was not beneath the dignity of their Lordships to take such a state of things into their consideration. He should, therefore, like to know whether the right hon. Baronet at the head of the Department of Public Works had received the permission of Parliament to incur the expense consequent upon the works in question; whether, in fact, the money had been regularly voted by the House of Commons for the purpose. He (the Earl of Malmesbury) held in his hand the paper to which he had just referred, showing the great increase which had taken place in the Miscellaneous Estimates during the last twenty years. A noble Earl not then present said, on a former occasion, that he did not like to alarm their Lordships by comparing the expenditure of 1856 with that of 1838. But in his (the Earl of Malmesbury's) opinion, it was better to state the truth at once. Comparing the year 1838 with 1856, the increase in the expenditure on Public Works had been in round numbers not less than £463,000, the increase in Salaries had been £824,000, the increase in the expenditure in Law and upon Prisons, Convicts, &c., amounted to £1,600,000, the increase on Science and Education was £720,000, and the increase in Votes for what might be called temporary objects was £324,000. In other words, the total miscellaneous expenditure in 1838 was £2,500,000, and in 1856 £6,724,000, showing an increase in 1856, as compared with 1838, of no less than £4,224,000 on Miscellaneous Estimates alone, or a sum very nearly equal to the amount raised by the first property tax. Even if the whole of the expenditure in Law, Education, and Science were deducted, the increase under this head would be upwards of £2,000,000. Now, he wished to guard himself from being supposed to advocate any unnecessary reduction in the estimates for the army and navy. He was surprised to find a suspicion existing in some quarters where he least expected it, that noble Lords on his side of the House were anxious to cut down the expenditure for the effective services of the country. He repeated he was astonished to find such a suspicion entertained of men who were the first to dare, since the battle of Waterloo, to increase the effective strength of the army and navy, as they had done when in office in 1852. Although he was aware of the extent of political gratitude, and of the nature of political memory, he must say he was astonished to hear such charges emanating from such quarters. He could only say, so far as his humble opinion went, he should be sorry indeed ever to see the army and navy again reduced to the state in which they were when the noble Earl (the Earl of Derby) took office in 1852. He looked back to that time with a keen recollection of the great alarm that he and they with whom he acted experienced lest an emergency should arise in which those services, in the condition they then were, should be put to the test, and the thankfulness they felt that no such occasion arose at that period. He really believed that the Government, before entering upon such works as those in St. James's Park, could scarcely have counted the cost, so recklessly did they seem to be proceeding; and with respect to other items of expenditure incurred by the department over which the right hon. Baronet (Sir B. Hall) presided, he (the Earl of Malmesbury) thought he could show that the people did not get anything like their money's worth. Their Lordships knew that, on their private estates, the estimated charges on repairs of buildings of the simplest kind were 10 per cent.; but that would give them very little idea of the expense of keeping up a building in the style of architecture of the Houses of Parliament. He found a sum of £40,000 expended in 1855 for buildings in Downing-street. He could not understand how such a sum could have been laid out, inasmuch as that part of the Government property seemed to be in the same state of ruin in which it had been for many years. Again, what sum did their Lordships think had been spent three years ago in cleaning the statue of Charles I. at Charing Cross? Why, no less than £1,000. But an architect who had watched the works had told him he would gladly have done it for £120. Then he came to the monument at Scutari, on which £17,000 had been expended. The removal of the Science and Art Department last year cost £10,000; and £4,500 had been expended upon an entrance to St. James's Park, which had only produced two yellow walls. He did not grudge the money, because he thought the entrance a great public convenience; but he had stated enough to show that Parliament would not be doing its duty if it did not — he would not say oblige, but—assist the Government in carrying out a system of strict economy at this time. We had expended £76,000,000 on the war; we had increased the public debt by £40,000,000; and we had a permanent charge of £1,500,000 as interest on the debt, besides something like £2,000,000 to be paid annually to a sinking fund for the purpose of extinguishing the debt. In the face of facts such as those, he submitted it was not beneath the consideration of Parliament to enforce the strictest economy in the public expenditure. Under a strong Government, as the present seemed to be, anything like extravagance was much more dangerous than it would be under a weak one, where the Opposition was as powerful as vigilant. He could easily conceive the right hon. Baronet at the head of the Department of Public Works desirous of distinguishing his tenure of office above that of all his predecessors. Nothing could well be more tempting than for a Member of a Government to stand in the middle of this metropolis, with the public purse in his hand, and say he would convert it into a city of palaces. It was the more natural to indulge aspirations so brilliant when that Member represented one of the great electoral divisions of the capital of England. He (the Earl of Malmesbury) could fancy such a man having before his eyes the glory of Florence and the Medicis, and wishing to become another Lorenzo, to go down to posterity as Benjamin the Magnificent; but he (the Earl of Malmesbury) thought the time had arrived when their Lordships ought to call upon the Government to impose some curb on the ambition of the right hon. Baronet, and some limit to the extravagant expenditure of the public money to which he (the Earl of Malmesbury) had ventured to call the attention of the House.

Earl GRANVILLE said, he should only so far detain their Lordships as to make a few observations on the small portion of the noble Earl's speech which related to the question before them. He was not surprised that the noble Earl should have thought it necessary to make the statement he had done, seeing he entertained the views he did upon the subject which he had brought under the consideration of their Lordships. The noble Earl alluded to the inconvenience to the Queen and the Royal Family likely to arise from the water of the lake; and he (Earl Granville) was sure the House and the public would willingly contribute to any public improvement demanded by Her Majesty's health. So far as he was aware, however, neither Her Majesty nor any member of the Royal family had made any complaint on the subject; but then, on the other hand, he did know that the medical officers of the district had made many formal and official applications to the Government to remove the abominable nuisance arising from the impure state of the water in the Royal parks for many years past. He had it, too, on the highest professional authority that, bad as the water was in the other Parks, that of St. James's Park was in the worst state of all. Such appeals could not be neglected by any Government desirous to do its duty; and it became necessary to consider in what way the evil could be rectified. The noble Earl had complained of the irregularity on the part of the Government in proceeding with these works without first presenting an estimate to Parliament. He (Earl Granville) had, however, been told that it was impossible to frame an estimate of the expense necessary for clearing out the lake until the lake was first emptied; and when it was emptied and the mud laid bare, it was not reasonable or desirable to defer the work of cleaning out the lake for a whole year. This was the reason why no estimate had been presented last year for this purpose. When the lake was emptied it was found that the bottom was five feet lower than the Trinity House datum of high-water mark in the Thames; while such were the irregularities of the surface, there being in some places holes three feet deep, and in other places holes of a depth of nine feet, that it was impossible to clear out the lake unless artificially, the inequalities of course adding to the stagnancy of the water left. The noble Earl had said that the lining with concrete would make matters worse than before, and he had instanced the experiment made by a late Commissioner of Works for the purification of the water in the late reservoir in the Green Park. But the two cases were not similar. In the Green Park no concrete was used; bricks were there used without mortar, and the water used came from the Thames directly opposite a sewer, and brought up with it a smell that was anything but agreeable, and which was afterwards further improved by the dead cats, dead dogs, and he believed occasionally by a dead human being, which were found in that receptacle close to Piccadilly. The noble Earl had by no means proved that the measures now in progress would not succeed by citing an experiment of an opposite character. With regard to the noble Earl's regret at the absence of the waterfowl which were so ornamental a feature in St. James's Park, he agreed with his noble Friend on that point. But he was happy to be able to comfort his noble Friend on that point by informing him that they had been removed to Kew pending the alterations, and that they would come back when they were completed. He could not see why they should not in future prosper as much in fresh water as in the stinking and offensive water in which they had been wont to disport themselves. In future, when it was necessary to flush out the lake no expense would be incurred, while at present an enormous expense was unavoidable when it was requisite to clean out the lake. The noble Earl had objected to incurring the expense of levelling the bottom for the sake of the skaters; but it must not be forgotten that much loss of life had occurred in skating which it was desirable to prevent if possible. He believed that the noble Earl had greatly overstated the expense in estimating it at £14,000, and that it would be under £11,500, and that this would comprise not only the clearing out of the lake, but the drainage of that which had turned out to be a swamp on each side of these ornamental grounds. Their Lordships would, he hoped, be of opinion, that this was not too large an expenditure when upon it depended not only the enjoyment but the actual health of a large district of the metropolis. His noble Friend had no doubt been quite right in introducing into his speech the extraneous topic of public economy, and he, therefore, would not complain of three-fourths of his speech; but still, he thought it would have been more fair if his noble Friend had given notice of his intention to refer to that topic, so that the Government might have had an opportunity of answering him. He would admit that, although their Lordships did not hold the purse-strings, they had no more important function than to warn Parliament, the Government itself, and the public when they saw any neglect of economy. He should be the last to urge their Lordships to abstain from giving useful advice on this subject when they saw occasion to do so, but for the sake of truth and the utility of such debates, it was desirable that the House should be in a position to know the *pros* and *cons* of the matters in dispute. The discussion of isolated points might give the public wrong impressions, and that might be avoided if due notice were given of points to be discussed. Now, the topics to which the noble Earl had referred were not within his department, and he had had no opportunity of consulting with the department to which it did belong, from the circumstance of his not knowing to what points his noble Friend intended to refer. But he happened to know, that, although the estimate of a late Commissioner of Works for the repair of King Charles's statue at Charing Cross was £1,000, yet the sum actually expended was under £100, if not under £50. [The Earl of DERBY was understood to ask what became of the difference?] If, however, he should be wrong, and if the whole sum of £1,000 was expended, it only showed how important it was that notice of these questions should be given, in order to prevent Members of the Government who might not be connected with the department in question from falling into error in their statements. With regard to the expenditure in the public parks, and the tempting facility to which the noble Earl had alluded of spending the public money upon them, he begged to remark that while on the one hand there could be nothing more criminal than to add to the burdens of the people for the useless ornament of the metropolis, yet, considering that the metropolis was the capital of so large a kingdom, he believed that those who were not resident in it would feel disgusted if it were left in a neglected and unbecoming position. In many respects London, with its population of 2,500,000, was held to exhibit a great inferiority to many second-rate towns on the Continent; but it had one honourable and peculiar feature in its Royal parks, which, while they added to the decent splendour of the Crown, at the same time promoted the health and recreation of all classes of the metropolis. The Minister, therefore, was deserving not of censure, but of encouragement, who applied himself judiciously and economically to make those parks as healthful and as beautiful as possible. He believed that the noble Earl had entirely failed in making out any case against the department responsible for these works, and against the Government which sanctioned them, when he impugned, as uncalled for, the measures taken to purify the water used in the centre of the metropolis for the ornamentation of the Royal parks.

THE EARL OF HARDWICKE said, that if the Returns before their Lordships were correct, it would appear that grants of money made by Parliament for carrying out a particular object were not always expended for that purpose; but that any surplus which might remain after the works for which the Vote had been taken had been completed might be expended in a way which Parliament had never contemplated. If £1,000 were asked for the cleaning of a statue, while only £50 were laid out, it was very easy to understand how it was that Sir Benjamin Hall was enabled to carry on the works which he had undertaken. He would not say that that was the mode in which those matters were really managed, but, if not, the documents which had been placed in their Lordships' hands were utterly valueless as the statement of the expenditure of the country, and ought to be taken back and revised by the Government. It was impossible not to perceive that sums of money far beyond what was required for the particular purposes were asked from Parliament, and that the Board of Works were thus enabled to hold in hand capital sufficient for purposes which were not expressed in the Vote. His noble Friend opposite had just stated that it was impossible to frame an estimate of the outlay necessary for clearing of the water in St. James's Park; but their Lordships must be perfectly aware that there was a very simple mode of calculating the sum which would be required for the purpose by taking the number of cubic yards in the space to be cleared, and estimating the expense in accordance with that number; and to say that a calculation could not be made of the contents of ten or twelve acres of water, gave an idea that administrative reform was especially wanted in some departments of the State. He should like to have some further information from his noble Friend upon that point, and should also wish to learn if he had consulted those deeply versed in subjects of that nature as to whether the circumstance of there being a growth of weeds in the water was sufficient to occasion that offensive vapour which generally arose from water in a state of stagnation? The position of the reservoir—the Green Park—to which reference had been made was upon high ground; so that it supplied water to all the houses below it, and it seemed to him to be a somewhat extraordinary piece of engineering to take away water which stood at so great an elevation. He might also say that the improvements in St. James's Park were being carried out, he believed, not by the piece, but by day work, and of course under those circumstances a very vigilant superintendence would be required in order to get the men employed to go through a fair amount of labour. These were points upon which he should wish to have some information from his noble Friend.

EARL GRANVILLE said, he had been informed that the consequence of allowing the weeds to accumulate in the water would be to create malaria, and that Sir William Hooker, a gentleman of great experience in such subjects, had entirely approved the mode in which the water had been dealt with. He must also inform his noble Friend that the improvements in the parks were not being carried out by means of day work. With respect to the charge of keeping the money granted to prosecute a particular work for the purpose of appropriating it to an entirely different purpose, he could only say that the thing was absolutely impossible, inasmuch as the Audit Office required that any sum which might not have been laid out on the proposed work should be repaid into the Treasury.

THE EARL OF ELLENBOROUGH regretted the noble Earl had not informed the House whether in the original estimate the cleaning of the statue which had been mentioned was or was not to be done by day work; for on no other supposition could it be assumed to cost £1,000. It was not, perhaps, exactly within their Lordships' province to enter into those details of public expenditure; but he trusted there would be found in the new House of Commons some one man who would be competent to undertake the duty in that respect which had been so long and so usefully performed by the late Mr. Hume, namely, to keep a constant watch over the public expenditure. How it was that the House of Commons could have voted a sum of £1,000 for the cleaning of a statue—unless, after it had undergone that process, they intended that it should be gilded—he could not understand.

LORD MONTEAGLE said, that the noble Earl near him (Earl Granville) had been to a certain extent necessarily unprepared for a discussion which had gone so much beyond the term of the notice given. The subject was also one which by no means related to the noble Earl's department. The House knew the pains he generally took to obtain the information required, to answer any questions put. Their Lordships ought not to feel any great surprise at finding the President of the Council had committed a mistake in assuming that the surplus of a sum of money granted for one purpose could not, owing to the check which the Audit Office exercised over such transactions, be applied to another. It would be most fortunate if this were the case. Such, however, was not the fact, and he regretted to be obliged to inform their Lordships that no audit whatever was applicable to the great majority of the Votes which appeared in the accounts under their notice. There was, therefore, no attempt to audit the miscellaneous services, and no such check as his noble Friend supposed existed. But even in cases where an audit applied, it was not always sufficient to prevent misapplication of public monies. It rather exposed than prevented such misconduct. In order to show the House how dangerous were the consequences which were likely to result from the present state of our public expenditure, he might state the simple fact that, although £80,000 had been devoted to pay the expenses of the funeral of the late Duke of Wellington, yet there remained out of the sum £25,000, not one farthing of which had been employed for the purpose for which it had been voted, but which, during the last four years which have since elapsed, had been applied to an entirely different use. Nor has any knowledge of this fact been communicated on the face of the annual accounts; those accounts, on the contrary, went to prove that the £80,000 had been expended for the purposes of the Vote. The truth was at length discovered. In a debate in the other House of Parliament it incidentally transpired that this money had been thus misapplied, and then, after some difficulty, the matter had been set right, so far as the admission of the facts of the case to Parliament. This fact, therefore, showed that no sufficient audit existed by which this flagrant violation of law existed, or by which, when discovered, it could be atoned for. Now, what applied to this small sum applied equally to millions; and since his noble Friend (Earl Granville) relied so implicitly upon the efficiency of a supposed audit, it would be well for him to inquire how far such a system of audit existed, and how far it was effected where it did exist. The special question now before the House had not been properly dealt with. The charge against the Government was, not any indifference to the improvement of the park that they had incurred this expense without an estimate and without proper Parliamentary Votes and authority. The excuse was most weak, he had almost said absurd. What could be thought of a Government which alleged that they could not obtain a proper estimate of the cost of such a matter? Surely there could not be any difficulty in obtaining an estimate of the expense of draining a pond; but failing that, they could have taken a Vote of money on account, which would at least have rendered the proceedings legal. Their Lordships knew how frequently money was placed at the disposal of Government for the purpose of meeting unascertained expenditure, as by the Civil Contingency Vote. Under no circumstances should the Government have expended money as they had expended this, without the authority or even cognizance of Parliament. It was unjustifiable to do so. Such a course was neither in accordance with the principles of the constitution nor with the rules under which public money should alone be expended. He thought that these violations of the Appropriation Act should not be lightly passed over. They constituted serious Parliamentary offences. This £25,000 to which he referred, had only been prepared to be repaid after the misapplication had been found out. However, these matters were not, it seemed, to be discussed during the present Session; but it seemed to belong to his official duties not to pass over this occasion without putting his noble Friend (Earl Granville) right in his belief in the existence in most cases, or in the efficiency in all, of the efficacy of the audit, as checking any excess of expenditure beyond the sums voted. He did not so much object to the Government of the day taking a Vote larger than the circumstances of the case might require; that might occasionally arise from the circumstances; but he did complain of the application of money voted by Parliament for one purpose to a purpose totally different, because in such cases it was more than doubtful whether the excess issued from the Exchequer was ever returned to the credit of the public; of this he complained as being contrary to law and to the constitution.

THE EARL OF WICKLOW said, that, from his personal experience, he could bear testimony to the benefit derived by the people of this city from the works carried on by the Government in the parks. For the last few years an extensive system of drainage had been carried on in all the parks, which had conduced greatly to the health and comfort of the people of the metropolis; and he was bound, moreover, to say that the improvements made by the right hon. Gentleman at the head of the Board of Works had contributed very much to the convenience of the public. The new walks had been laid out with great skill and judgment; and many parts of the parks, which had been previously to their formation deserted, were now favourite spots.

LORD STANLEY OF ALDERLEY said, that, if he had understood the noble Lord (Lord Monteagle) correctly, he had implied that it was in the power of the Government of the day, if there was any excess upon any estimate, to spend that excess in any manner they might think fit, without responsibility to Parliament. Now he begged to say that, so far as his experience went, that course was not practised by Government; and he did not think that the experience of the noble Lord would enable him to tell their Lordships and the public that it was in the power of the Government to adopt such a course. If in one department there should be an excess upon one estimate, then the Treasury had power to authorise the expenditure of that excess for analogous purposes in that same department; but it was not competent to them to employ money voted for one purpose to objects totally different. With regard to the statue of Charles I., it was true that a Vote of £1,000 had been taken, but that had been done under the impression that the pedestal and foundation were insecure; but it having turned out that such was not the case, a considerably smaller sum had been expended. As to the surplus of £25,000 which remained after the expenses of the funeral of the Duke of Wellington had been defrayed, he would undertake to say that none of that money had been applied for any other purpose, although from the accounts not having been finally sent in, it had no doubt remained a considerable time in the Treasury. When, however, the accounts were audited the matter was put right.

LORD MONTEAGLE wished to point out to the noble Lord (Lord Stanley) two errors into which he had fallen. He had stated that it was in the power of the Treasury in a case like that so justly complained of by the noble Earl (Lord Malmesbury) to apply sums of money voted for one purpose to other purposes in the same department. Now, that was true with regard to the three great services; but even there it was only true in certain cases—the army and navy and the ordnance, because a provision to that effect had been introduced by Sir J. Graham for the improvement of the Appropriation Bill; but the provisions of that Act did not apply in the slightest degree to the civil expenditure Estimates of the country. The miscellaneous service expenditure was entirely carried out by the Treasury, altogether out of the control of the Audit Office, and on no occasion were they as such submitted to the Board of Audit. It had been stated before a Committee of the House of Commons by the Chairman of the Board of Audit, that the appropriation of the Miscellaneous Votes did not come under the control of the auditors. The second error into which the noble Earl had fallen was, that in the case of the surplus of the sum voted for the funeral of the Duke of Wellington the matter would have been rectified when the accounts were audited. Now, if he would look into the subject, he would find that, as he had said, the whole of the Civil Estimates were entirely out of the control of the Audit Office, and therefore any check upon the part of that Office was impossible. He repeated, as an unquestionable fact, that a sum of £25,000, voted for one purpose, had from 1853 to 1857 been illegally diverted to another. [Lord STANLEY of ALDERLEY: Not permanently.] Not permanently! No; but till the Treasury was found out. This large sum had for a period of three or four years been applied, under the authority of the Treasury, to purposes wholly different from that for which it was voted by the House. This was not our constitution, and it was only from the fact of this illegal misappropriation oozing out in the House of Commons that any steps had been taken by which this illegal misappropriation might eventually be set right.

LORD STANLEY OF ALDERLEY said, the country had not been deprived of the sum to which the noble Lord referred. From his knowledge of the working of the civil departments he was certain that no department would undertake to apply the surplus of one vote in aid of the diminution of another without application being made to the Treasury, and the approval of the Treasury being obtained.

THE DESIGNS FOR PUBLIC OFFICES.

COMMISSION. QUESTION.

THE DUKE OF SOMERSET rose to put a question to the Lord President, respecting the Commission on the Designs for Public Offices. He understood that within the last few days a Royal Commission had been appointed to examine and report on the designs now being exhibited in Westminster Hall. Their Lordships would remember that we had had such Commissions in former times, and that on their reports we had begun buildings which we had not finished yet, and which he was afraid we should continue to build for a long time to come, while no one could tell what we should have to pay before we saw their completion. He begged to warn the Government as to what they were about to undertake. He was afraid they were going to begin an expenditure which would be almost ruinous in the end. First of all they had invited architects to exhibit competing plans for public offices, and he believed all the way from the Horse Guards to Westminster was given up to the taste of the artist. Indeed, he understood Westminster-bridge was included also. Some time ago it was proposed to take down that bridge. Then the Government determined to repair it, and now again it seemed to be in contemplation to take it down. The Chancellor of the Exchequer stated in the course of the last Parliament, as a warning to the country, that the block of ground which was required for the scheme now proposed would cost £1,500,000. That was for the ground only. When we began these buildings (the Houses of Parliament) we had at least the ground, which belonged to the Government, a very small portion only having been bought. But if the plans now proposed were carried out, did anybody suppose that the ground could be bought at £1,500,000? Any one who knew the commercial spirit of this metropolis must be aware that the price of the land would be immediately greatly enhanced. But how far were these plans to be carried out? When the Commissioners had agreed upon a particular plan, Government would come down to Parliament for a vote of perhaps £50,000 on account this year, £40,000 next year, and so on for probably a period of not less than twenty-five years. The Chancellor of the Exchequer said, that to carry out the plans covering this block of ground would cost £5,000,000 or £6,000,000. Now, were we wise in beginning a scheme of this kind? What he wished to know was, what instructions had been given to the architects as to the ground they were to cover; how far Parliament would be bound by the decision of the Commission; and how we were to guard ourselves against an expenditure which we had been told by high authority would amount to not much less than £5,000,000 or £6,000,000, on the ground that we had not made any objection or taken sufficient notice of the matter in time?

EARL GRANVILLE said, his noble Friend warned the Government against beginning a system of ruinous expenditure; but he begged to remind his noble Friend that every step which had been taken by the Government in this matter had been in accordance with the recommendations of a Committee of the other House of Parliament, which recommendations had been also very generally approved by the Members of their Lordships' House. The first question asked by his noble Friend, as he understood it, amounted to this—whether any instructions had been given to architects as to what site they might occupy. He would answer that by going back to some of the steps recommended by the Select Committee of the House of Commons. They stated in their Report that great inconvenience at present arose from the bad arrangement of the public offices; from the necessity laid upon Government of hiring buildings in inconvenient situations at most exorbitant rates; and that it was most desirable, both for the convenience and efficiency of the public service and on the ground of economy, that there should be a concentration of the public offices, and that such concentration should be in the vicinity of Whitehall and the Houses of Parliament. The Committee described the position and extent of the sites which they recommended, which was bounded by the banks of the Thames, Richmond Terrace, Downing Street, and New Palace Yard; and they concluded by recommending that in case Parliament approved of the purchase of the site, the designs for the public offices should be submitted to public competition. The Government, acting on that recommendation, had issued notices, in which the architects of all nations were invited to send in designs for two different sites. One was for the block of buildings covering the whole of the larger site recommended by the Committee; another was for two offices—namely, the War-office and the Foreign-office—on a smaller site adjoining Charles Street, of which the Government was now in possession, with the exception of a very small portion indeed. A Bill would be introduced to Parliament giving power to purchase that small portion of the smaller site to which he had just alluded, and when that Bill came before them, then would be the proper time for raising opposition to the scheme. As to the larger site, the Government had no plan of their own, and thought it best to leave the matter open to public competition, giving to architects an opportunity of showing how they would fill it up. Parliament could then choose whether they would go on with the scheme or with a part of it, having the public offices in a well-devised and properly-arranged manner, all connected with each other, instead of being, as now, disconnected. This would be matter for future consideration. It was, however, clearly laid down that the architects would have no claim whatever, except for the prize money offered for the several designs that might be approved. The plans would become the absolute copyright of the Government, to choose from the several plans the whole or such parts as might be found desirable; but the architects would not have the slightest claim to be employed in the execution of the works.

THE EARL OF ELLENBOROUGH, though holding in great respect Reports of Committees of the House of Commons, did not think it necessary for their Lordships at once to acquiesce in the Resolution to which the Committee had come in this instance. He had not had an opportunity of giving notice of the question, but he would take the liberty of asking the noble Earl opposite whether it was absolutely necessary to occupy Westminster Hall, and to engage in an undertaking which would involve all this enormous expense? It was quite obvious that it would be perfectly impossible to complete the contemplated buildings without incurring an expenditure which would probably exceed the whole amount raised by the property tax of 7*d.* in the pound for a whole year. Was it not possible to make some arrangement by which to avoid that enormous expense? The Houses of Parliament had been building ever since the year 1834, and they well knew to what an enormous extent the estimate of the architect had been exceeded. Some of their Lordships were, perhaps, pleased; others, however, like himself, were mortified and disgusted by the extravagance of the expenditure incurred. He readily admitted the beauty of all that had been done; but unfortunately it had been overdone—the expenditure was unnecessary and out of all character for the purposes for which their Lordships assembled. No doubt there might be great convenience in having all the Government offices under the same roof; but then, there was the danger of fire, which, humanly speaking, it was impossible by any provision altogether to prevent. The force of a fire when it once took possession of a great building was such that none of their precautions could save it. That was one main objection to continuous buildings. But let them consider how they stood. They had been building for the last quarter of a century. In the course of that time they had so far added to Buckingham Palace as practically to have made it a new palace, of which the Crown was not before in possession. He recollected a King living comfortably enough in St. James's Palace, and keeping his court there. Give him leave to ask what was the use of that palace at the present moment? Why should they not appropriate it to public offices? All these buildings were the property of the Crown, just as much as the Royal Palaces; and was it possible to find any building more convenient for a Foreign-office, more especially for the receptions which were necessary in the Foreign-office, than St. James's? If the noble Earl at the head of the Foreign-office were permitted to occupy that palace he thought he might give a dinner on the Queen's birthday without the smallest danger. Then, what was the use of Marlborough House? They had some trash collected there which, he regretted to say, he had recently lost half an hour in inspecting, but which might be packed up and removed without the slightest inconvenience to anybody. He understood that Marlborough House was to be appropriated to the residence of the Prince of Wales. It was utterly unsuited for any such purpose. There was not a room in the house in which his Royal Highness could with convenience or propriety hold a reception. It was, however, admirably adapted for a public office, which required small rooms; whilst a residence for the Prince of Wales would require large rooms; in short, the Prince would not be able to occupy it with propriety or decency, unless at an expenditure of

£50,000 or £100,000 to render it habitable. Then there was Schomberg House, adjoining, the lease of which he understood was for sale. By the purchase of that, the communication between St. James's Palace, Marlborough House, and the Ordnance-office would be complete. Now, if the House of Commons would not do its duty in these matters, their Lordships, though it was foreign to their general practice, must interfere and call public attention to them. The public must not be left without one House of Parliament, at all events, to attend to that economy so important to the public interests.

The Earl of MALMESBURY said, that one of the reasons given by the noble Earl for this immense expenditure was the saving of some £30,000 a year which was now paid for the hire of offices. The Chancellor of the Exchequer, however, had told them that if they followed out the proposed plan, the ground alone would cost a million and a half of money. Thus, before the foundation was laid, or one brick placed upon another, at 4 per cent, they would have to pay £60,000 a year as ground-rent.

Earl GRANVILLE said, what he had stated was, that Government had formed no intention to apply to Parliament for its approval of the large plan to which the noble Earl alluded.

The Earl of ELLENBOROUGH said, that he admitted the necessity of some change as regarded the Foreign-office, for it was known that the present building had been in a very dangerous state for many years past. But as to the War-office, every day the accommodation wanted there was less and less, for every day the noble Lord at the head of that department was diminishing the army in a manner that to him (the Earl of Ellenborough) was most alarming. It was only a week ago that he saw it announced that there was to be a considerable diminution effected in every company of artillery. Now, for the last few years everybody had been calling out for an increase in this arm of the service; and they were told that it had been increased, and that the increase would be maintained. He could not, therefore, understand how with an army, now weak and daily diminishing, they were to have a staff constantly increasing and demanding larger accommodation.

Lord CAMPBELL had a word or two to say about the courts of justice. He did not complain of the accommodation provided for the Judges, but the accommodation for the jury, who had to neglect their business for the purpose of attending there without remuneration, was most disgraceful. For visitors there was no accommodation whatever, and he really felt ashamed when distinguished jurists from America or the Continent were introduced to him for the purpose of witnessing the manner in which the proceedings in our courts of justice were conducted. He by no means wished to have a large expenditure incurred; but he really thought that what was decent and necessary for those who took part in the administration of the law ought not to be overlooked. The front of the law courts, they were told—and it was very obviously true—interfered with the regularity and beauty of Sir Charles Barry's building. He should rejoice to see some plan by which, without transferring the law courts from Westminster Hall, where they were placed by immemorial prescriptive right, the objection might be removed.

The Marquess of LANSDOWNE denied that the Government bound itself to any great expenditure, because it said that improvements being necessary in some offices in that part of London care should be taken not to allow those improvements to interfere with any future plan that might be adopted.

Lord REDESDALE said, he had been one of the first to call their Lordships' attention to the proceedings about to be taken with regard to the restoration of the public offices in Downing Street. It appeared to him that the scheme which the Government supported was one which would lead to a far greater expenditure than if they adopted the larger plan in the first instance. If the block of houses behind Downing Street was the proper site, it might be purchased upon much more advantageous terms now than on a future occasion. The purchase by Government of one side of one of the shabbiest streets in the neighbourhood would encourage the substitution of better houses for the old ones; thus, in the event of their hereafter requiring the remainder of the street, they would have to pay an increased value for it. Whether, therefore, they erected their public buildings in one place or another, or made them continuous buildings or not, it would certainly be economical and prudent that they should determine what ground they could more advantageously acquire at one time than another. By proceeding piecemeal in a matter of this sort they would first improve the value of the property around, and afterwards have to pay for the increased value so created. If they got possession of the ground now there was no necessity for its being immediately appropriated. He was quite convinced that, if there was an intention to erect new public buildings in Downing Street, and obtain more ground for public offices, the truest economy would be to purchase at once the ground about Charles Street and Duke Street and the shabby buildings immediately adjoining.

House adjourned at Seven o'clock, to Monday next, Twelve o'clock.

HOUSE OF COMMONS,

Friday, May 15, 1857.

MINUTES.] PUBLIC BILLS.—1° Oaths; Medical Profession (No. 3).

THE RUSSIA COMPANY.

QUESTION.

MR. CLAY asked the Vice President of the Board of Trade whether it was the intention of the Government to bring forward any measure for the abolition of the Russia Company, or affecting any portion of the dues levied by that company?

MR. LOWE replied, that the measure which would be brought forward by the Government did not contemplate the abolition of the Russia Company, but only that of the tolls, amounting to £2,000 a year, levied by that company from shipping in the ports of this country, and applied partly to charitable purposes, and partly to such purposes as the erection of organs at Moscow, and the painting of the Emperor of Russia's portrait.

EAST INDIA (PROVINCIAL TRIBUNALS).

QUESTION.

SIR ERSKINE PERRY inquired of the President of the Board of Control, what are the intentions of Her Majesty's Government with respect to the improvement in the administration of justice, and the amalgamation of the courts proposed to Parliament by his predecessor, the present First Lord of the Admiralty?

MR. VERNON SMITH said, that his predecessor at the Board of Control had, in introducing the Bill of 1853, promised to appoint a Law Commission, and a Commission was some time since appointed to inquire into the best mode of improving the courts of law in India. That Commission sat three years, and at the end of the third year made a report. It appeared that a difference of opinion existed among the Commissioners, and an account of the proceedings of the Commissioners had in consequence been sent out by him to India, with a request that the whole mode of procedure proposed by the Commissioners, as well as the penal code, should be submitted to the Legislative Council in the form of Acts. With regard to the amalgamation of the Supreme Court and the Sudder Court, he believed it would require an Act of the Imperial Parliament, as the amalgamated courts would require Admiralty jurisdiction. It was, moreover, a point on which great contrariety of opinion existed; and he might observe, that the petition which the hon. and learned Gentleman had presented at an earlier period of the evening entertained a different view of the matter from that held by the hon. and learned Gentleman himself. The whole question could be better discussed in India than in this country, and as soon as he should ascertain the opinion which was adopted on the matter in India, he would take care that that opinion should be considered, and, if agreed to, carried into effect with as little delay as possible.

THE WHITWORTH RIFLE.

QUESTION.

COLONEL SYKES rose to ask the Under Secretary for War whether, as a grave expense is being incurred by the Governments of England and India in the supply of the Enfield rifle, and considering the prospect of its supercession by the superior arm, the Whitworth rifle, it is intended to continue the manufacture of the former; and, in case the Government consider further experiments necessary with the Whitworth rifle before they decide upon its adoption, to state when they will renew those experiments.

SIR JOHN RAMSDEN stated that the superiority of the Whitworth rifle had not yet been sufficiently established to justify the Government in discontinuing the manufacture of the Enfield rifle for the supply of the army. Experiments had been made which were not unfavourable to Mr. Whitworth's invention; but these experiments were still incomplete. Further experiments had been ordered, and would take place as soon as arrangements could be made for that purpose. He was informed that if it should be found desirable to substitute the Whitworth for the Enfield rifle it would be possible, without any great expense, to alter the machinery now in operation at Enfield so as to render it available for the manufacture of the Whitworth arm.

STADE DUES.

MR. RICARDO inquired of the First Lord of the Treasury, whether the Government intend to continue the Treaty of 1844 with Hanover, respecting the payment of Stade Dues by English ships, or whether they contemplate terminating the treaty by notice, so that the question of the future payment of the Stade Toll may undergo consideration.

VISCOUNT PALMERSTON said, that the matter to which the question related was under consideration, and that Her Majesty's Government was about to enter into communication with that of Hanover upon this subject; but at present he was not prepared to state what course the Government would feel it their duty to take.

FIELD ALLOWANCES.

MAJOR KNOX asked the Under Secretary for War, whether he had any objection to lay on the table any correspondence that took place between the Secretary for War and the other authorities at home, and Sir J. Pennefather on the subject of field allowance claimed by the 51st Light Infantry, the Italian Legion, and other troops, stationed at Malta during the late war.

SIR JOHN RAMSDEN replied, that this matter had already been disposed of in strict accordance with the regulations of the War Office, and therefore the Secretary of State for War was not disposed to lay the papers before Parliament.

SHERBURN HOSPITAL—QUESTION.

MR. ATHERTON asked Whether it was the intention of Her Majesty's Government to bring forward any measure during the present Session founded on the Report of the Charity Commissioners for England and Wales, relative to Sherburn Hospital, in the county of Durham.

MR. BAINES replied that it was not the intention of the Government to introduce any measure upon this subject during the present Session. Since last year the Attorney General had applied to the Court of Chancery to sanction a new scheme for the regulation of this Hospital, and proceedings for that purpose were now going on very actively, and with every prospect of a speedy and satisfactory result.

THE ROYAL BRITISH BANK—QUESTION.

MR. CONINGHAM asked the Attorney General whether it was the intention of the Government to prosecute the Directors of the Royal British Bank.

THE ATTORNEY GENERAL: I have watched the proceedings with respect to the Royal British Bank from their commencement with considerable anxiety; and a long while ago I requested Mr. Linklater, whose great ability, judgment, and perseverance in conducting the examination of the Directors have been so conspicuous, that as soon as the examinations were completed, he would transmit to me copies of them, and such other papers as he deemed requisite for unfolding the affairs, and forming a correct judgment as to the conduct and management of that Bank. Considerable difficulty has, however, been produced by the provisins of the Act 7 and 8 *Vict.*, c. 111, which enacts that, in the case of the Bankruptcy of a Joint-stock Company, the Commissioner shall, after the final examination of the Directors, transmit to the Board of Trade all the papers relating to such failure, to the formation and management of the company, and to the conduct of the Directors and other officers; and that the Board of Trade shall then, if they think proper, lay these papers before the Attorney General, whose duty it shall be to say whether or not a prosecution shall be instituted. That enactment is so worded that the proceeding of the Board of Trade cannot take place till after the final examination of the Directors. That final examination has not been fixed for an earlier date, I believe, than the 24th of June. I have, however, ventured to think that this particular directory enactment does not supersede the ordinary power and duties of the Attorney General. I have, therefore, desired that the papers shall be transmitted to me by the solicitor of the assignees as soon as they can be completed. The House, however, must be aware that, though the law throws upon the Attorney General a great number of duties, it has provided him with no machinery, no instrument, no agent wherewith to execute them; and, in the present instance, I shall be indebted entirely to the courtesy of Mr. Linklater, the solicitor to the assignees, for the papers which I shall ultimately receive, and which will be supplied at the expense of the creditors. When I receive those papers I shall lose no time whatever, with all the best professional aid I can obtain, in investigating the matter. If I shall feel any reluctance in instituting a prosecution, that reluctance—supposing a case for prosecution exists—will be due entirely to the reports and statements which I find repeated day by day in the public newspapers, and which, if continued, will render it almost impossible to expect that, when individuals are indicted for an offence so ill defined and so elastic as that for which these persons can alone, according to my present apprehensions, be indicted, they can meet with a fair and impartial trial while the public mind is kept in its present highly excited state.

IRISH EMIGRATION—QUESTION.

Mr. BAGWELL asked, whether Her Majesty's Government had received any information as to the reported continuance and increase of emigration from Ireland?

Mr. HORSMAN said, that the Government were in possession of very precise and accurate information with respect to the amount of emigration from Ireland of late years. He found that the number of emigrants in 1851 was 179,507; in 1852, 190,322; in 1853, 173,148; in 1854, 140,555; in 1855, 91,914; and in 1856, 90,781. The population in 1851 was 6,552,385, and in 1857 it was 6,047,493, which showed a decrease in the latter as compared with the former year of 504,872. The population in 1821 was 6,801,827, showing a decrease in 1857 as compared with 1821 of 754,334.

On Motion, That the House at its rising do adjourn to Monday next,

CHINESE PRISONERS—QUESTION.

Lord ROBERT CECIL rose, pursuant to notice, to ask a question of the First Lord of the Treasury with reference to the alleged detention at Hong Kong of forty-two prisoners, in a room fifteen feet square, for twenty days. He believed a similar question had been answered in another place by the Lord Privy Seal, and it would, under ordinary circumstances, have been superfluous for him to have put it in that House; but, unfortunately, that noble Lord had at the time been afflicted with some incapacity for speaking loud which had prevented the ordinary channels of information from conveying the purport of his statement; and as the matter was one which seriously concerned the honour of this country in the eyes of distant nations, he thought it desirable that he should repeat the question in that House. It was alleged in a colonial newspaper, and the statement had been copied into some of the English journals, that forty-two untried prisoners, and prisoners who had ultimately turned out to be perfectly innocent of the crime with which they had been charged—namely, an attempt to poison Sir John Bowring and other Englishmen, at Hong Kong, had been put into a room fifteen feet square, without a window, and with only one opening in the roof, and kept there for a period of three weeks. It was further stated that in that room all the requirements of nature had to be performed. The Lord Privy Seal had taken considerable credit to the Government for the course they had pursued in the matter, and had rather boasted of the fact that none of those Chinese had died under the treatment to which they had been subjected. He (Lord Robert Cecil) was very much surprised they did not die; but the House might form some idea of the case, when a Minister of the Crown made it a matter of boasting that prisoners untried and innocent had not died of the effects of the detention they had undergone. He had a distinct recollection of the pamphlet of his right hon. Friend the Member for the University of Oxford with reference to certain abuses in Naples, and he remembered that one of the most serious charges directed by his right hon. Friend against the Government of that country was a proceeding very similar to the one of which he (Lord R. Cecil) was now complaining. That charge was to the effect that prisoners were kept in crowded and unwholesome dungeons for a lengthened period. The Government of this country had protested, not only by diplomatic notes, but by armed fleets, against the cruelties which it was said had taken place at Naples; and it seemed to him very desirable that the noble Lord at the head of the Government should repudiate the accusations made in the present case against his subordinates in a foreign country; for it would be most disgraceful if, while we were protesting against the alleged atrocities at Naples, our own officers were pursuing the same, or a worse course, in a distant quarter of the globe. He, therefore, asked the noble Lord—first, whether those reports were true? And secondly, whether he would lay upon the table all the despatches that had been received with respect to that subject?

Mr. LABOUCHERE said, he thought it better that he should endeavour to answer the questions of the noble Lord, as the matter to which those questions referred concerned more particularly his department. It appeared to him to be a rather inconvenient practice, although it was then becoming a common one, that they should refer in that House to debates which had taken place in the other House of Parliament. It was quite true that a question had been put upon that subject to the Lord Privy Seal in the House of Lords, and he was sorry that he could not answer the questions of the noble Lord as fully as he could wish, in consequence of his having furnished his noble Friend with all the papers which bore upon the point, and which his noble Friend had not yet returned. He thought, however, he could state enough from memory to satisfy the House that there was no foundation for the rumours to which the noble Lord had referred. There certainly had appeared in the local press at Hong Kong an account of the confinement of Chinese prisoners in what was called the "black hole," thus comparing what took place with the frightful tragedy which had occurred many years ago in Calcutta. He had received no official information upon that subject from Sir John Bowring, and the only information he possessed with respect to it was afforded by the *Hong Kong Gazette*, in which there appeared copies of the report of the superintendent of police in reference to that transaction. In that report the superintendent of police set forth exactly the facts of the case, and he (Mr. Labouchere) was sorry that he had not the paper with him at the moment, and that he could not, therefore, read it to the House. He had no hesitation in saying, however, that it established a state of things entirely different from that set forth in the paper from which the noble Lord had derived his view of the case. That report would be laid before the House, with all the papers bearing upon the subject; and the House would afterwards be able to judge how far the rumours which had reached this country were or were not well founded. The noble Lord in putting the question had commented with some severity on the language employed by the Lord Privy Seal in another place. He (Mr. Labouchere) was sure, however, that no one who was acquainted with the character of his noble Friend could suspect him of discussing such a report as that with unbecoming levity. But when the treatment experienced by those Chinese prisoners had been compared to the sufferings of the inmates of the "black hole" in Calcutta, his noble Friend had a perfect right to point out the important distinction between the two cases, arising out of the fact, that in the present instance, not a single soul had died, and he might add, that so far as he was aware, it was not even alleged that the health of any prisoner had suffered in consequence. He had thought it advisable to write to Sir J. Bowring for further information upon the point; and it was his intention to lay before the House any papers he might receive which could throw any additional light upon the matter. In the meantime the papers he would be able to produce would, he believed, show that there was no reason for supposing that the cruelties which were alleged to have occurred had actually taken place.

Lord J. MANNERS wished to know whether the papers which the right hon. Gentleman meant to produce would include an account of the trial of the Chinese prisoners?

Mr. LABOUCHERE said, that they should comprise all the proceedings both anterior and subsequent to the trial as well as at the trial itself.

IRISH INCUMBERED ESTATES COURT.

OBSERVATIONS.

Mr. WHITESIDE rose, to call attention to the conduct of the Government in reference to the removal of the Court for the Sale of Incumbered Estates in Ireland to a more convenient site than the present, in accordance with the recommendation of this House." He said, that the House was aware that some years ago the Court for the sale of Incumbered Estates was established in Dublin. Those who were unacquainted with the locality would of course be unaware of the fact that the courts were extremely small and inconvenient, considering the amount of business transacted in them. It was just the same as if a new court in London should be erected at Pentonville. The fact, however, had so pressed itself upon the Irish Bar, that frequent complaints had been made, and an inquiry, he understood, was ordered. First of all there was a lengthened correspondence, and everybody knew what an official correspondence was. It began by a complaint, and ended in nothing. He found the Secretary of the Treasury in 1854 recommending the benchers to be guilty of a breach of trust, and render themselves liable to prosecution, by applying funds for the erection of a court which they had no authority so to apply. Of course they did not do so, but in the meantime the inconvenience and the confusion increased. The next step was to issue a Commission, and the House by this time pretty well understood what a Commission was. It meant, if possible, less than nothing. After that Commission had spent £1,000 or £1,500 in the investigation, the subject was handed over to a Committee, and before that Committee one of the Commissioners, Mr. Hargreaves, stated that the business of the court was expected to be wound up in two years, notwithstanding that there were then estates to be sold the gross rental of which was £400,000 a year. In reply to a question put to him, however, he distinctly stated that in his opinion a complete remedy would be found in the removal of the business to the Four Courts. Petitions had also been presented by the Bar and the solicitors practising in the court to the same effect. The Committee came to a resolution more than thirteen months ago, that the place for holding the courts ought to be changed to the Four Courts; and when the Act was extended, and very properly extended, for two years, a distinct pledge was given that a new court should be erected with all convenient speed.

In spite of this, however, nothing had been done to the present moment; but yesterday the Attorney General for Ireland stated, in reply to a question, that the Government wished to purchase a piece of ground in the neighbourhood of the Four Courts for the purpose of erecting a new building for the transaction of the business of the new Incumbered Estates Court, and a vote of £10,000 was to be obtained for that purpose. He thought from what he saw that the foundation of this new erection would be just about laid at the period when the operation of the courts themselves ceased, and thus the public money would be applied to erect something which, like the Martello towers, it was said were erected to puzzle posterity. This mode of conducting the public business exactly justified the sarcasm of Dickens, that of course nobody was to blame, the same clever author wishing that anybody would find somebody to punish nobody.

Those who complained were referred to a Board, which did nothing but write letters; then they were referred to the Treasury, and there they were now exactly in the same position as when they started.

He believed that a place might easily have been found for the sittings of the Commissioners contiguous to the locality where the rest of the legal business was transacted in Dublin. He had only one more observation to make. The House would recollect that there was a recommendation for the establishment of a court of appeal at a very justifiable expense of £5000 a year, but which would have the effect of saving a retiring pension. The object was that the three Commissioners should sit separately, and that when the judgment of one was appealed from it should be settled by the Court of Appeal. That had not been carried into effect, and now the only course was to appeal from one to three sitting together as before, then to the Court of Appeal, and then to the House of Lords. This multiplied appeals, instead of diminishing expense.

Mr. HORSMAN said, the hon. and learned Gentleman's statement that this recommendation of the Committee had been made thirteen months ago, and that nothing had been done since in this matter, was entirely incorrect. The resolution of the Committee was passed on the 24th of June, and very shortly afterwards he brought it officially under the notice of the Treasury, requesting that a sum of £10,000 might be inserted in the Estimates of the present year for the erection of a new court. The hon. and learned Gentleman would accordingly find that item in the Estimates of the present year. Far from being indifferent to the efficiency of the Incumbered Estates Court, he (Mr. Horsman) had taken a part in the discussion upon its original establishment, and continued now, as he had ever done, to feel the greatest interest in its success. He thought at first, as experience had proved, that the establishment of this court would prove the greatest blessing which modern legislation had conferred on Ireland, and he believed it to be the duty of the Government, of Parliament, and of all well-wishers to Ireland to promote by every possible means its efficiency. The hon. and learned Gentleman, however, had approached this subject in a very different spirit, displaying a feeling of animosity towards the Court, and thus endeavouring to damage its usefulness and to injure its character. Some time ago the Commissioners of the Court had in a letter to him (Mr. Horsman) complained not so much of the hon. and learned Gentleman's attacks as of the Government for not coming forward in their defence, and giving them that protection against him which it was their duty to afford to judicial officers under such circumstances. In reply to this letter he had given such an explanation as would naturally suggest itself to the House, impressing upon the writers that the attacks of the hon. and learned Gentleman were not considered of that importance here which seemed to be attached to them by the Commissioners, and he subsequently assured those Gentlemen that, in the eyes of the majority of this House, they would probably stand in higher estimation after having been subjected to the censures of the hon. and learned Gentleman than if they had been the victims of his praise. The title of the land upon which it was proposed to erect the new court was under investigation, and the building would be proceeded with as soon as the preliminary arrangements had taken place. In future, instead of condemning first and inquiring afterwards, he trusted the hon. and learned Gentleman would inquire before he passed judgment, and although by so doing the fire of his eloquence might be abated, the public business would gain most materially.

Mr. NAPIER said that, however, the right hon. Gentleman might talk of personalities, the great fact still remained, that the business of the Incumbered Estates Court was still transacted in the small and inconvenient courts which were originally prepared for it—that the chief Commissioner sat in a room only fifteen feet square—in a room, the appearance of which was quite undignified, and perfectly derogatory to the interests of justice. He himself could bear witness that a promise was made two Sessions ago that the Incumbered Estates Court should be brought down to the Four Courts. The consequence of the non-fulfilment of that promise was, that all the practice had been left in the hands of one or two persons. His hon. and learned Friend's observations had only tended to show the injury to the Bar and to the public from the present locality of the court, and consequently were perfectly justifiable. So far from his hon. and learned Friend wishing to disparage the Incumbered Estates Court, he had endeavoured to extend its operation to decrees for sales by the Court of Chancery, but even in that endeavour he had been opposed on every occasion by Her Majesty's Government. When the Secretary for Ireland had benefited that country as much as his (Mr. Napier's) hon. and learned Friend had in the course of his short career in Parliament, he would deserve to be classed among those men who preferred doing good service to their country to benefiting themselves.

Motion *agreed to;* House at rising to adjourn till *Monday* next.

PARLIAMENTARY OATHS.

COMMITTEE. RESOLUTION.

Order of the Day for the House to go into Committee on Oaths read.

House in Committee.

Viscount PALMERSTON: Sir, in rising to make the Motion of which I have given notice, I ought, in the first place, to apologize to my noble Friend the Member for the City of London for appearing to take out of his hands a question which has long occupied his attention, and with which he has dealt in a manner that has gained him great credit. I can assure my noble Friend that it was by no means from any wish to take unnecessarily from him a subject, to which he has devoted so much attention, that I gave notice of that Motion; but I was told by those, who are most interested in the question, that the chance of any Bill, which might be brought in, passing into a law, would be very much increased by its being introduced as a Government measure by a Member of the Administration; and, knowing the deep and sincere interest which my noble Friend takes in the measure to which he has so long devoted his attention, I am quite sure that he will forgive me for appearing to take it out of his hands. It appeared to me, that if ever there was a moment peculiarly favourable for calling the attention of the House to the oaths, which are by law now prescribed to Members of Parliament on taking their seats, the present was precisely that moment, because, the House having been recently constituted, every Member whom I have the honour of addressing, must have fresh in his recollection those oaths, which by the present law he has been compelled to take, containing, I am sure I need not say, many things that every man must be very reluctant to subscribe to under the solemnity of an oath, and which must therefore be most repugnant to his feelings.

Sir, there cannot, I apprehend, be a more solemn act than the taking of an oath. It is an invocation by a man to His Creator to give His sanction to an engagement which that man is about to undertake. That man has thereby pledged to a certain degree his future wellbeing for the performance of certain duties, which by his oath he has undertaken to discharge. Such engagements have been sanctioned by the practice of all nations. There are duties of such importance in this world, that it is fitting that those who have to discharge them should bind themselves by the most solemn sanctions to a due and conscientious performance of them. But the more solemn the act, the greater the responsibility which a man incurs by taking an oath; and the more that engagement is entitled to the respect of men, in the same proportion ought to be the seldomness of its being taken, and the real importance of the occasion upon which it is taken. To invoke the Supreme Being with reference to engagements which are absurd, and which no man could be supposed to break, is a profanation of a sacred rite. It is, in fact, a breach of that commandment, which forbids man to take the name of his Creator in vain. Now, I must say, that there are things in the oaths we now take, which were, no doubt, fit to be sworn to in times long gone by, but which are so inapplicable to the days in which we live, and to the persons by whom those oaths are to be taken, that they are revolting to the mind of every reasonable man. I may observe, that the changes which I propose to make do not apply to the oath taken by Roman Catholics. That oath was settled upon full deliberation at the time when the disabilities of Catholics were under discussion. I do not intend to disturb that settlement. The change which I am about to propose applies solely to the oaths to be taken by persons who are not of the Catholic religion. The object of the Bill which I beg leave to introduce is, in the first place, to relieve Christians from the necessity of taking oaths, which are repugnant to their reason and to their feelings. But, in the next place, while so doing I propose to put an end to the last remnant of former prejudice and exclusion. The change which I am about to propose would not only relieve a Christian from oaths, which a Christian ought not to be called upon to take, but would also sweep away that portion of one of those oaths which is the only obstacle to the reception of Jews in this House of Parliament. It is hardly necessary for me to remind the House of the oaths, which we now by law are compelled to take. So long as the law compels us to take those oaths, we submit to the necessity, and no man can blame a person who submits to the law. But I do say, that if the House has the power, which I contend it has, to relieve itself from these profanations of a sacred rite, the House would incur a heavy responsibility if it did not exercise that power, and relieve individual Members from the necessity of continuing to take those oaths on taking their seats. What I propose to do is to abolish, in all cases, in which they are by law required to be taken, the oath of allegiance as it now stands, the oath of supremacy, and the oath of abjuration, and to substitute for those three oaths one single oath, which shall contain the oath of allegiance as well as that which is requisite in the other oaths, but which shall leave out all those portions of them, which I conceive are not fitting or proper to be retained. The oath of allegiance will stand as it now does, with such additions as I have mentioned. But to begin with the oath of supremacy. That oath is as follows:—

> "I do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murthered by their subjects, or any other whatsoever."

On what possible ground are we called upon to take that oath? Why, Sir, it is abjuring that which none of us believe in, which no Protestant ever did believe in, and which I humbly venture to say no Catholic of the present day believes in. It is true that, in times long gone by, that doctrine was held by some portion of the Catholic Church, but it is a doctrine so utterly repugnant to every feeling and principle of the present day, that I am sure no man takes this oath without—if I may so say—an inward blush at being compelled by law to abjure what under present circumstances could not by any possibility be even contemplated by any reasonable man. The oath proceeds—

"And I do declare that no foreign prince, person, prelate, state, or potentate hath, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm."

I propose to leave that declaration as it stands. We next come to the oath of abjuration, which is in these terms:—

"I do truly and sincerely acknowledge, profess, testify, and declare, in my conscience before God and the world, that our Sovereign Lady Queen Victoria is lawful and rightful Queen of this realm, and all other Her Majesty's dominions and countries thereunto belonging."

That declaration in shorter words, I think may be retained, as one which may be very fitly made by a subject of the Queen at the present day. The oath then goes on—

"And I do solemnly and sincerely declare that I do believe in my conscience that not any of the descendants of the person who pretended to be Prince of Wales during the life of the late King James II.;—

"The late King James!" as if he had died only some two or three years ago!—

"and since his decease pretended to be and took upon himself the style and title of King of England by the name of James the Third, or of Scotland by the name of James the Eighth, or the style and title of King of Great Britain, hath any right or title whatsoever to the Crown of this realm or any other the dominions thereunto belonging; and I do renounce, refuse and abjure any allegiance or obedience to any of them."

I propose to sweep away altogether that declaration. We might with as much reason, for all practical purposes, abjure our belief in the Heptarchy. The oath proceeds—

"And I do swear that I will bear faith and true allegiance to Her Majesty Queen Victoria, and Her will defend to the utmost of my power against all traitorous conspiracies and attempts whatsoever which shall be made against Her person, crown, or dignity."

That is, I think, a very proper declaration, and one which I propose to include in the new oath which I shall ask the Committee to substitute for the existing oaths. The oath goes on,—

"And I will do my utmost endeavour to disclose and make known to Her Majesty and Her successors all treasons and traitorous conspiracies which I shall know to be against Her or any of them."

That, also, I propose to retain as part of those engagements of fidelity and allegiance, which it is proper for the Members of this House to enter into towards the reigning Sovereign. The next clause of the oath is—

"And I do faithfully promise to the utmost of my power to support, maintain, and defend the succession of the Crown against the descendants of the said James, and against all other persons whatsoever; which succession, by an Act intituled 'An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject,' is, and stands limited to the Princess Sophia, Electress and Duchess Dowager of Hanover, and the heirs of Her body, being Protestants."

Although I do not propose to retain the precise words I have just read, the form of oath I shall submit to the Committee will contain, substantially the same declaration—namely, that the Members of this House will engage to maintain the Protestant succession in the descendants of the Electress Sophia of Hanover in conformity with the Act of Parliament. Then comes the last sentence—

"And all these things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain common sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever; and I do make this recognition, acknowledgment, abjuration, renunciation, and promise heartily, willingly, and truly, upon the true faith of a Christian."

I propose to omit all that disclaimer of mental equivocation and reservation, and all that does not apply to the persons taking the oath, in fact I also propose to omit those last words, "upon the true faith of a Christian," which are the words that preclude a Jew from sitting and voting in this House. I will now read to the Committee the form of oath which I propose to substitute for the existing oaths—

"I do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, and will defend Her to the utmost of my Power against all Conspiracies and Attempts whatever which shall be made against Her Person, Crown, or Dignity, and I will do my utmost Endeavour to disclose and make known to Her Majesty, Her Heirs and Successors, all Treasons and traitorous Conspiracies which may be formed against Her or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my Power, the Succession of the Crown, which Succession, by an Act, intituled 'An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject,' is and stands limited to the Princess Sophia, Electress of Hanover, and the Heirs of Her Body being Protestants, hereby utterly renouncing and abjuring any Obedience or Allegiance unto any other Person claiming or pretending a Right to the Crown of this Realm; and I do declare, that no Foreign Prince, Person, Prelate, State, or Potentate hath or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or authority,

> Ecclesiastical or Spiritual, directly or indirectly, within this Realm."

That oath will, I apprehend, contain every portion of the existing oaths which we can in reason be called upon to utter, and will relieve the Protestant Members of this House from the necessity of pronouncing at the table, under the solemn sanction of an oath, a mass of jargon wholly unsuited to the times in which we live. I apprehend that no one can object to the proposal I make on general grounds, but I expect, indeed I am confident, that—not, perhaps, on this occasion, but at the further stages of the Bill—I shall have to encounter the opposition of those who are adverse to the admission of Jews to Parliament. Now, I have never yet heard any argument which appeared to me to have the least weight against the admission of British subjects, being Jews, to sit and vote in this House. The main argument which has been urged is, that this House is a Christian assembly—that is to say, it is an assembly composed of men professing the Christian religion, the chief practical doctrines of that religion being to act with charity towards all; to do unto others as we would they should do unto us; not to persecute, but to love our neighbours as ourselves; and, in short, to carry out in practice those principles which are contravened or ignored by the arbitrary and unnecessary exclusion of our Jewish fellow-countrymen from Parliament. Is it believed that the members of the Jewish persuasion are less enlightened, that they are less able to assist us in our deliberations, and less likely to become useful members of the Legislature, than any other class of the community? Any one acquainted with the facts, knows that those Jews who most aspire to be Members of this House, are men eminently distinguished for the intellectual qualifications which would fit them for a seat in the Legislature of this country. Is it objected that the Jews have no property and no stake in the country, and that they are, therefore, persons who would be utterly heedless of the nature of those laws to which Parliament may assent? We all know, happily for themselves, that the very reverse is the case. Many of them are men of great wealth, —men who have a large stake in the country,—and who have, therefore, no motive to concur in any legislation which will not conduce to the welfare and prosperity of the empire. Why, Sir, I must confess that since I have been in the office I have the honour to hold, circumstances have occurred which have caused me to feel considerably ashamed of the present state of the law on this subject. It has happened to me and my right hon. Friend the Chancellor of the Exchequer, when the country was in need of large sums of money to carry on the public service, to meet, not far from these walls, great capitalists of the Jewish persuasion, who came forward, and upon terms not less honourable to themselves than advantageous to the public, provided those means which the service of the country required. While making the necessary arrangements, however, we could not but feel that the very men who had been instrumental in rendering such important service to the country were precluded by an arbitrary and unjust law from occupying seats in this House. Sir, of late years the principles of civil and religious liberty have made great progress. We have swept away those unjust enactments which placed the Protestant dissenters in a position of inferiority as compared with the rest of their fellow-countrymen. We have also swept away those unjust enactments which excluded our Catholic fellow-countrymen from taking part in the deliberations of this House. The exclusion of the Jews is the last rag and remnant of prejudice and intolerance with which we have to deal. What is it that you fear from admitting Jews into Parliament? Are you afraid that the admission of a few Jews will shake the Christian religion? Why, Sir, I have heard of many Jews who have become Christians, but it never fell to my lot to hear of a Christian who became a Jew. The progress of mankind is governed by laws which admit of no retrogression. The Old Testament prepared the way for the New Testament, but the New Testament will never lead us back to the Old. Of what, then, are we afraid? We cannot for a moment suppose that the introduction into this House of a few persons professing the Jewish religion will at all affect the Christian character of the country. I am convinced that such Members, from their knowledge and intelligence, would render us material assistance in our deliberations; their position as men of considerable property would be a guarantee for their interest in the welfare of the country; and by admitting them to Parliament we should put the finishing stroke to that system of liberal legislation for the establishment of religious liberty which has of late years made so much progress. I trust, therefore, that the House will give its most serious attention to this subject. There are many new Members of this House, who, unfettered by former votes and pledges, are free to act on their own spontaneous judgment, and therefore I do hope that this measure will be carried by a large majority of the House; and then, if the opinion of the House should be stamped upon the Bill, in approbation of the principle it contains, I cannot but indulge the sanguine expectation that those obstacles which elsewhere have hitherto impeded the realization of the ardent wishes of my noble Friend the Member for the City of London may give way to an impulse proceeding from a new House of Commons, and that at last we may have the satisfaction of giving the finishing stroke to that good work which has been too long delayed, but which I hope will now be concluded. The noble Viscount concluded by moving to *resolve* —

> "That the Chairman be directed to move the House, that leave be given to bring in a Bill to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration."

SIR FREDERIC THESIGER: It is not my intention to oppose the introduction of the Bill proposed by the noble Lord; but, inasmuch as its avowed object is the admission of Jews to Parliament, and as my sentiments upon that important subject have undergone no change, I shall feel it to be my duty, in its next stage, to offer to the Bill my sincere and earnest opposition. The noble Viscount at the head of the Government has made a graceful apology to the noble Lord the Member for the City of London for taking this question out of his hands; and I wish, as this has now become a Government measure, that for the sake of consistency, the noble Viscount had adopted the same course with respect to the present Bill, which he has pursued with regard to all other measures relating to Parliamentary reform. The other evening the hon. Member for East Surrey proposed a Bill for the abolition of the property qualification of Members. The noble Viscount only permitted that Bill to be introduced upon the understanding that it should be carried no further, and all discussion on the subject waived, because, he said, by common consent all questions relating to Parliamentary reform were to be postponed until the next Session. That was a Bill for the abolition of the property qualification. The present is a measure for the alteration of the oaths of religious qualification; and if the one is connected with Parliamentary reform, so also, I think, must be the other. Why, therefore, if there is a common understanding that we are to have no discussion on the subject of Parliamentary reform, the present Bill should not share the fortunes of all the other measures, and be postponed until the next Session, I am at a loss to imagine. For what reason are the Jews to be so peculiarly favoured? Are their demands so urgent upon the noble Viscount that he cannot resist them? I cannot help thinking that the noble Viscount has been forced by some pressure into his prominent position on this occasion. Before the elections took place a deputation from the City of London waited upon the noble Viscount, and requested him to introduce a measure for the admission of the Jews, and to make it a Government question. The noble Viscount was unwilling to give any pledge upon the subject, and I have reason to believe that his reluctance and hesitation were not unserviceable to the noble Lord the Member for the City, in the manly and successful appeal which he made to that constituency. The noble Viscount, however, is now committed to this measure. If he looks back, he sees no possibility of retreat. I know well the resolution and perseverance of the noble Viscount when he has made up his mind, and therefore I cannot disguise from myself the formidable task which I have undertaken in attempting to oppose a measure which is brought forward under the auspices, and which is to be supported by all the weight and authority of the noble Viscount. The noble Viscount has had a considerable advantage in the experience of the last ten years, in framing his measure in such a shape as he thinks will be most likely to secure its ready acceptance. I have taken a rather prominent part in the struggle upon this question, and I think it will be neither uninstructive nor uninteresting if I should glance at the different measures which from time to time have been introduced, enabling the House to see, how at the beginning the advocates for the Jew were ready to admit the Christian character of this assembly, and how at last they have advanced to demands which have a tendency utterly to supplant and destroy it. It is, I think, hardly known to those who have not paid attention to the subject, under how many disabilities the Jews laboured so late as the year 1830, when Mr. R. Grant introduced his Bill for their emancipation. They extended to their exclusion from civil and military offices, from corporations, and from a wide circle of civil employments. No one, I hope, will believe that I have the least desire to revert to such a state of things, but I have always considered that the condition of the Jews at that time furnishes one of the strongest answers which could be given to the suggestion we hear made from time to time, that Jews are prevented from sitting here by the accidental insertion of certain words in an Act of Parliament passed for a different object. The disabilities to which I have referred were gradually removed between the years 1830 and 1847; and the first attempt which was made, after that long period, to introduce the Jews to Parliament, came from the noble Lord the Member for the City of London, immediately after his return for that constituency with Baron Rothschild. I know that the noble Lord is unwilling to have it supposed that his exertions upon this subject, which have been consistent and straightforward, had any connection whatever with his return with Baron Rothschild; but the fact is that, although the noble Lord was in high office during the greater part of the period between 1830 and 1847, it never appears to have occurred to him that the fitting time had arrived for proposing this measure until the coincidence took place of his return with that—I may not say by—Baron Rothschild. Let us now see what was the measure which the noble Lord first thought it right, after a mature deliberation of seventeen years, to introduce to this House. It was emphatically, if I may use the expression, a "Jew Bill." It was a Bill to provide a particular form of oath for persons belonging to the Jewish persuasion; and the noble Lord at that time thought it so inconsistent that Jews should hold certain high offices in the State, that he introduced provisions to prevent a member of the Jewish persuasion from holding the office of Lord Chancellor, the office of Lord Lieutenant, and some offices in the Ecclesiastical Courts, and also from presenting *ex officio* to any livings. That Bill passed this House, but was rejected by the House of Lords. In 1849 the noble Lord brought forward another Bill of a rather different description. It provided a new form of oath for all the Christian members of this assembly. The oaths of allegiance, supremacy, and abjuration were repealed, and this common form of oath was to be substituted, containing the words "Upon the true faith of a Christian," and I remember well that my right hon. Friend the Member for Oxford University expressed his gratification at finding that the noble Lord had preserved these emphatic words as part of the oath to be taken by the Christian members of this House. It was provided that a Jew, in taking the oath of abjuration, should omit these words. There was no exception with respect to particular offices in that Bill, because it was wholly unnecessary, inasmuch as the common oath was to be taken only as a qualification for sitting in Parliament, and of course all those high offices to which the former Bill referred could not be held without the holders taking the old oaths, including the oath of abjuration, with the words "Upon the true faith of a Christian." That Bill also passed this House, but was rejected by the House of Lords. In 1850 the noble Lord made a very considerable step in advance. He introduced a Bill which provided that in all cases, when persons of the Jewish persuasion were required to take the oath of abjuration, they should omit the words "upon the true faith of a Christian." There was no exception, as in the first Bill of 1847, of those offices to which I have referred; and the consequence was that, supposing that measure had received the sanction of the Legislature, it would have been competent to Jews to hold the highest offices in the State. The noble Lord, however, was compelled in the month of July to drop that Bill, and then some very unjust suspicions having, it seems, entered into the minds of the advocates of the Jews, that the noble Lord had not been hearty in the cause, they determined to take the matter into their own hands, and a very extraordinary scene took place in this House. Baron Rothschild came to the table of the House and claimed to take the oaths on the Old Testament. Thereupon a considerable debate arose in the House, and I regret to say that the House came to the absurd decision—for so I am compelled to call it—that it was competent to Baron Rothschild to take the oaths on the Old Testament. Now, just observe the effect of that decision. There were three oaths which it was necessary for a person to take before he was qualified to sit in Parliament; and the abjuration oath was one which, of course, it was impossible for the Jew to take, because it contained the words, "on the true faith of a Christian." Therefore, it was quite impossible that the Legislature ever contemplated that the two other oaths could be sworn on the Old Testament; and yet the House was inconsistent enough—and I regret this for the sake of the character of the House—to vote that Baron Rothschild might take the oaths on the Old Testament. The practical absurdity of this course was too obvious to require comment. Baron Rothschild then came to the table of the House, took the oaths of allegiance and supremacy, and read the oath of abjuration down to the words "on the true faith of a Christian," which he said he omitted because they were not binding on his conscience. Baron Rothschild was then directed to withdraw, and a very animated debate took place as to whether, having taken the oath in the manner most binding on his conscience, he was not entitled to sit in the House. The noble Lord behaved on that occasion in a way which reflected infinite credit on him. With every disposition to obtain the admission of the Jews into this House, and with a certainty that if he chose to adopt a Resolution to that effect it would be enforced by a majority, the noble Lord nevertheless felt that those words, "on the true faith of a Christian," formed an essential part of the oath, and, refusing to be a party to any indirect attempt to gain a seat for the Jews in that manner, he proposed a Resolution, which was carried, to the effect that Baron Rothschild should not sit and vote in the House until he had taken the oath of abjuration in manner appointed by law. In 1851 the noble Lord felt himself quite at liberty, after this constitutional course, to introduce again the Bill of 1850 in the very terms I have described, of course leaving it open to the Jews to be placed in any high office in the State. That Bill passed this House, but was rejected by the House of Lords on the 17th of July, and on the 18th the fruits of the decision of 1850 were culled by the appearance at the table of this House of Mr. Alderman Salomons, who was then returned for Greenwich, and who claimed under the Resolution of the House the right to take the oaths on the Old Testament. Mr. Alderman Salomons went through the oaths of supremacy and allegiance, and also the oath of abjuration, with the exception of the words "on the true faith of a Christian," kissed the book, and immediately took his seat in the lower part of the House. He was directed to withdraw, but he refused to obey the Speaker. The circumstances were painful. The noble Lord, who enforced the authority of the Speaker, moved a Resolution that Mr. Alderman Salomons should withdraw. That led to considerable debate, and the noble Lord's Resolution was carried by a majority, and then, immediately after that Resolution, Mr. Alderman Salomons appeared again and took his seat in the House. Again a Resolution was moved by the noble Lord, and again carried by a majority, and even then Mr. Alderman Salomons refused to quit the House until he was gently removed by the Serjeant-at-Arms, under the authority of the Speaker. In the course of the discussion which took place, Mr. Alderman Salomons asked the noble Lord, whether he would prosecute him for the penalties. The noble Lord stated that he had no desire, but he had no doubt Mr. Alderman Salomons could get some friend to do so. Well, there was a person who undertook that friendly part; but if it was meant to be a sham argument it was prevented by the high character and honour of the counsel intrusted with the plaintiff's case, and who conducted it with great ability, and the result was that the matter was set at rest by the decision of the Court of Exchequer Chamber that the words "on the true faith of a Christian" were not merely a formal, but an essential part of the oath. That was in 1851, and in 1852 the noble Lord advanced another step, or stride I should rather call it. The noble Lord then introduced that Reform Bill which we all recollect he was compelled to abandon with so much regret in the course of the Session of 1852. In that Bill the noble Lord introduced one oath to be taken by all the Members of the House, an additional reason proving, I should say, that this matter falls within those questions which are to be shelved during the present Session, and the discussion of which, according to common understanding, is to be postponed to another year. I need not trouble the House with any observations on that oath in consequence of the fate of the Bill; but in 1853 the noble Lord then introduced his Bill with that form of oath which had been contained in his abortive Reform Bill, and that form being one which was to be taken by all the Members of this House, whether Roman Catholics or Protestants, necessarily involved in it only a partial recognition of the supremacy of the Crown. In 1853 this consideration, strange as it may appear, does not appear to have struck the minds of Members who took part in the debate. Undoubtedly, it was not made a prominent part in the discussion. The House passed the measure, which the House of Lords afterwards rejected; but in 1854, the noble Lord having introduced a Bill precisely similar to that of 1853, it was then that our minds were called to the danger which would arise from adopting this common form of oath for every Member, whether Roman Catholic or Protestant. A debate took place, in which this matter was put prominently forward, and the result was that the House refused to pass the Bill, and it was rejected undoubtedly by a very slender majority. Whether the noble Lord was disheartened by his repulse on that occasion, it is impossible for me to say; but, at all events, 1855 passed without any attempt to introduce again in this House a proposition in respect to the admission of the Jews. There was in the House of Lords, at a very late period of the Session, a Bill introduced by Lord Lyndhurst, and again some suspicion, though there was not any foundation for it, crossed the mind of those who were eager partisans for the admission of the Jews to Parliament that the noble Lord was either negligent or indifferent on the subject. They therefore chose to take the matter into their own hands, and in 1856 Mr. Milner Gibson stepped before the noble Lord, and for the purpose of procuring the admission of the Jews introduced a Bill making clean work of the matter certainly by utterly abolishing the oath of abjuration. Now, there are parts of that oath which are rather precious to some Protestant Members of this House. It contains the only recognition of the Act of Settlement. The noble Lord strongly shared this feeling, and he found himself in this remarkable position, that he was unable to take a leading part in procuring the admission of the Jews to Parliament, and was obliged to defend the constitution against the attempt of those eager Friends of the Jews who wished to introduce them by abolishing the oath of abjuration altogether. The noble Lord therefore introduced into the proposed oath words which were equivalent to those found in the oath of abjuration. I must then say it is rather hard now on the noble Lord, who, after having in a manner taken the City of London by storm, has come into this House fully sensible of the merit of those who have been instrumental in procuring his return, and is desirous of putting a crowning Act to his exertions for the introduction of the Jews into Parliament, to find that he is forestalled by the noble Lord at the head of the Government, that the matter is taken altogether out of his hands, and himself only gratified with an apology. No doubt the noble Lord at the head of the Government has now got possession of this question, and he has explained to us what is the form of oath he proposes to substitute for the three oaths we now take previous to admission to this House. I am not aware of that reluctance and repugnance on the part of Members to take these oaths to which he alluded. I was present during the taking the oaths which were administered to many Members of this House, and I saw no symptoms of reluctance and repugnance. There is, however, a part of the oath of abjuration which I should be very glad to see removed, because I think it is obsolete; and the noble Lord at the head of the Government would have done far better had he contented himself with removing that obsolete part from the oath of abjuration, and then left the question of the admission of the Jews a distinct question, to be dealt with on its own merits, precisely in the same way as the noble Lord the Member for the City of London, after seventeen years of deliberation, thought it right to do in the Bill which he introduced in 1847. The noble Viscount does not seem to apprehend that there will be any discussion at this stage of the question, but it would have been more graceful in him, therefore, had he spared the charges of prejudices and intolerance which he has bestowed on the probable opponents of his measure. No one knows his own prejudices. I dare say I am a creature of prejudice, but intolerant I am not. Not to speak of myself, however, there are many hon. Gentlemen who feel deeply and conscientiously upon this subject, and in advocating the exclusion of Jews from Parliament, I cannot allow that they are guilty of any intolerance, whatever prejudice they may entertain on the subject. The noble Viscount tells us that this is a great question of "civil and religious liberty;" with all submission, it is not a question of liberty at all. Those words have a stimulating sound, and create emotions which frequently pass for arguments. This is not a question of liberty, which is freedom from restraint, but it is a question of power. It is a question whether persons who do not profess Christianity are to be possessed of a portion of the supreme power which now belongs to a Christian Legislature. It only remains for me to say that I join with the noble Viscount in entreating hon. Members to give this question their serious attention. They will find from the history which I have given that, eager as they may be for the admission of Jews into Parliament, it will be necessary for them to be extremely cautious, lest in accomplishing that object they trench upon any of our honoured institutions. I trust there will be a full and fair discussion of this question; for my own part, I can say that it shall be a dispassionate discussion, and I shall be content to leave it to the consideration and judgment of this House.

LORD JOHN RUSSELL: I think the House will feel, after what has been said by my noble Friend and by the hon. and learned Gentleman opposite, that it is not unnatural that I should wish to address a few observations to the House upon this subject. In the first place, I wish to assure my noble Friend that, so far from finding any fault with him for having taken this question into his immediate consideration and bringing it under the view of Parliament, I think that those who advised him that the question would stand the best chance of being brought to a successful issue, if it had the weight and influence of Government in its favour, and if it were introduced by a Member of the Government, gave him very sound advice; and, perfectly agreeing with them, I should have given him exactly the same. So far from wishing to introduce the measure myself, I think that it has a far better chance of success in the hands of the Government, and, as I am only anxious that the measure should have the best chance of success, I cannot feel at all envious of my noble Friend having the honour to bring this question forward. The hon. and learned Gentleman opposite, although he does not intend to divide upon this preliminary stage, has instructed the House—and as there are many new Members in it they may, perhaps, need instruction—as to the various passages which have taken place with respect to the admission of Jews into Parliament. I can only hope that the hon. and learned Member may next year be able to complete his history. Next year I hope he will be able to add, "After all these various steps which I have detailed to the House in the year 1857, a new attempt was made by a noble Lord who was then First Minister of the Crown. He carried with him a great majority of the House of Commons, and the weight and influence of that majority, together with the opinion of the Government were so successful, that the House of Lords yielded, and an Act of Parliament was passed which admitted Jews to a seat in Parliament." But the hon. and learned Gentleman not being able at present thus to complete his history, I will make a few—and but a few—observations with regard to the narrative which he has gone through. He is welcome to any remarks which he chooses to make with regard to my seat for the City of London. I obtained that seat in 1841, when Baron Rothschild was not a candidate, and I have obtained it in 1857, when Baron Rothschild, so far from being joined with me, was joined with three other Gentlemen, and could not therefore have given any support or assistance to me. The hon. and learned Gentleman has referred to persons by whom he says I was assisted in obtaining that seat, and I am happy on this occasion to avow that many Gentlemen of the same opinions as the hon. and learned Member gave me their votes at the last election. The hon. and learned Gentleman has detailed the various stages which this question has gone through, and the various shapes into which I put the Bill. The explanation of that is, that I was willing to concede as much as I could, if the main object were secured, in order to smooth away those objections which might be entertained in the other House of Parliament to the measure. I did not conceive it necessary to propose the Bill exactly in the same shape every time: and I think that my noble Friend has done well to take the shape, which is in itself an improvement upon many of those Bills which have been introduced upon former occasions. There are many questions with regard to which the hon. and learned Gentleman might have given a similar history —the question of Roman Catholic emancipation, for instance—and I remember in reference to that question, that when Mr. Canning was reproached for not taking the same securities which he had proposed in his earlier measures, he said, "I decline to be a security-monger all my life; I proposed securities to you before, and you rejected them." So I say with regard to this Jewish question, that, although it might have been right with a view to obviate objections to refuse the admission of Jews to certain offices, yet that Bill having been rejected, it is quite right now to put the measure in the shape which we believe will best effect the object which we have in view. I need not go into the arguments upon the question, because the hon. and learned Gentleman proposes upon some future occasion, when no doubt we shall have a keen contest, to raise a full discussion upon it. He says there is a deep and conscientious feeling upon this subject. Sir, I admit that there are those who have such a feeling; but I say it is a matter of mere feeling and not an objection founded on reason or argument, because, though I have heard many persons express their repugnance to the admission of Jews into Parliament, I never heard one person give a good reason for thinking that there was any danger in such a measure, or, in fact, advance any solid objection against it. The hon. and learned Gentleman denies that this is a question of civil "and religious liberty." I conceive it is a question of civil and religious liberty. But the hon. and learned Gentleman not having been under the ban of exclusion—not being a Jew—can talk very much at ease of it. If some hon. Members were successful in persuading the Legislature to pass a law that all persons who are members of the Bar, all gentlemen of the long robe, as they are called, should be excluded from Parliament—and there might be some plausible reasons given for such a measure, the saving of the time of the House, for instance—would the hon. and learned Gentleman allow that that had nothing to do with civil and religious liberty? Would he allow that his civil liberty was as complete as ever, although he was by law excluded from obtaining office and from sitting in Parliament? On the contrary, we should hear the hon. and learned Gentleman's voice raised pretty loud, and his great powers of argument would be exerted to show that it was impossible for a Legislature, which respected civil liberty, to exclude "a most respectable class of persons from the privilege of sitting in Parliament enjoyed by other classes of citizens." I am quite sure that such would be his opinion, and I will only ask him to put himself for a moment in the position of the Jew, and say what his feelings would be if he were told that in this free country, though he might possess many privileges, though he might be Lord Mayor of London, and might discharge municipal offices in all parts of the kingdom, yet high civil office he could not hold, and into Parliament he must not come. His feelings of justice, his notions of the common rights of an Englishman would be violated, and he would not listen for a moment to the arguments which he himself has put forward. Having stated these few words to the House, I have only to say further, that whenever the second reading of this Bill comes on—whenever that opposition is made to it which is threatened—I trust to be found in my place giving to it my hearty support.

MR. NEWDEGATE: Sir, the speech of the noble Lord shows that he is so indifferent to the religious convictions of those who are opposed to him that his indifference amounts to a "prejudice" and "intolerance." This measure is a direct renewal of that attack on the Christian character of the House which—treat it as contemptuously as you choose—is a deep and well-founded feeling, entertained by no mere ignorant class of the community, but by a large proportion of the sober, religious, peaceful people of this country, who have for years refused to assent to this measure, and have rejoiced to find themselves represented by the House of Lords, and protected by that noble assembly from those constant attacks. I shall not enter into any arguments against the proposition at the present moment; but I ask the House to consider whether it is proper that certain Members of the House should be allowed to treat the religious convictions of those, to whom they are opposed, with indifference and contempt. Notwithstanding the struggles of the Jews for the last ten years to obtain entrance into the House of Commons—notwithstanding their repeated exertions, their lavish expenditure of money, and their having had recourse to every means for pandering to the popular taste—they have never yet been able to excite any amount of feeling among the Christian people of this country in favour of their admission to Parliament. I trust that those who are in the House of Commons now, for the first time, will consider well before they give their votes in favour of a measure which is understood by a large—I believe by the largest, the most deservedly influential portion of the people of this country—to be a direct attack on that Christian character of the State, which affords the only security that the laws by which we are governed will be Christian in their spirit and in accordance with the dictates of religion. The best proof of the fallacy of the arguments in favour of the admission of the Jews to Parliament is to be found in the fact that, although the representatives of the people had been misled into sanctioning those arguments, the House of Lords had risen year by year in the public estimation by steadfastly refusing to entertain them, and boldly opposing any interference with the Christian character of the Legislature. I trust that Her Most Gracious Majesty may never be called upon by Parliament to sanction a measure which, in the opinion of the largest section of her subjects, was a direct attack on that religion of which She is the sworn defender. Let the House depend upon this—that, if by passing this measure a law should be enforced upon the people of this country which had not the sanction of religion—that if it were attempted to govern the nation by the rule of might, and not of right, those consequences which had followed such a course of policy in other countries may be expected in this.

MR. LOCKE KING: I assure the hon. and learned Gentleman the Member for Stamford that I am no party to any understanding that all measures of Parliamentary reform shall be postponed until next Session, and I was very much surprized when I heard the noble Lord at the head of the Government state that such an understanding existed. The abolition of the property qualification of Members is intimately connected with this question of the oaths. The course now taken by the noble Viscount at the head of the Government, therefore, affords the best possible argument why I should persevere with my Bill respecting the property qualification of Members, and I hope that when I move the second reading of my Bill for that purpose, the noble Viscount will not oppose the motion.

MR. HENLEY: As no division is to take place on the introduction of this Bill, I apprehend that there will be but little discussion on it at this stage. It cannot be denied that some parts of the present oaths were surplusage; but the noble Lord seems to think it advisable to bring in a measure, some parts of which are unobjectionable, in order that they might carry with them those portions to which objections are entertained. No doubt the simple question will be that of admitting the Jews. I have already recorded my vote on that proposition, and I shall continue to vote against the admission of Jews to a seat in the Legislature. I regret, however, that the noble Lord has not dealt with what he called "surplusage" in a separate Bill. Entertaining great and conscientious objections to the admission of the Jews, I shall state them when the Bill comes to be read a second time. I now rise to ask the noble Lord when he proposes to take the second reading?

LORD PALMERSTON: The Bill cannot be brought in before Monday, and it will not be possible to fix an earlier period for the second reading than immediately after the Whitsuntide holidays.

Motion *agreed to.*

Resolved, "That the Chairman be directed to move the House, that leave be given to bring in a Bill to substitute one Oath for the Oaths of Allegiance, Supremacy, and Abjuration."

House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FITZROY, Viscount PALMERSTON, and Sir GEORGE GREY.

Bill *presented,* and read 1°.

TRANSPORTATION AND PENAL SERVITUDE BILL.

COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That the Speaker do now leave the chair."

LORD ADOLPHUS VANE-TEMPEST rose to move, that the Bill be referred to a Select Committee. He said he was not sanguine enough to expect that his proposition would receive the sanction of the House, but he brought it forward in no spirit of hostility to the Bill of the right hon. Baronet. He admitted that the measure was an advance in the right direction; but he thought that it would be very desirable to refer it to a Select Committee, in order to examine Mr. C. Pearson, Mr. Hill (the Recorder of Birmingham), and Colonel Jebb. Criminal labour, he contended, might be made self-paying, and prisoners, who were now clothed and fed better than soldiers and farm labourers, ought to be made to perform forced labour which should be remunerative. In the last report of the inspectors of prisons in Great Britain it was stated that—

> "It would be gratifying to be able to add, that the discipline pursued in those prisons was always consistent with the principle on which they were designed; but that although much time was

devoted to teaching abstract morality, sufficient care was not always taken to introduce productive labour."

He believed this to be a correct statement. The noble Lord at the head of the Government was reported to have once said, that "a nuisance was but a matter in the wrong place." That remark might justly be applied to the criminals in this country. So mistaken was the leniency adopted, that ten prisoners were allotted to work one wheel where one would suffice. Only one case of refusal to work at the wheel was recorded, and that was in the case of a scientific pickpocket, who declined because he thought it was an occupation which would tend to destroy the delicate touch of hand, requisite when he resumed his former occupation. Surely, a portion of the £3,192,000, which in the course of the last year had been spent on the administration of justice, in the police, and the conviction of prisoners, might be got back again in the shape of remunerative labour. Statistics came strongly in aid on this point. The total expense of county prisons in England and Wales in 1854 was £508,964. The average cost for prisoners per annum amounted to £28 per head, while their average earnings were but £2 7*s*. On the other hand, take the case of Portland, where the system, he (Lord Vane-Tempest) advocated, had been tried. In 1854 there were 1,977 prisoners. The cost of maintenance was £48,833; received by their labour, £42,831; balance of expense, £6,002. In 1849–50 and '51, the value derived from prisoners' labour had been as follows—

1849	£7,214 6*s*. 11*d*.
1850	£14,067 16*s*. 7*d*.
1851	£20,541 15*s*. 5*d*.

In 1851 the excess of earnings over expenses by the prisoners at Portland prison was £3,800, and in the same year at the hulks, though the average annual cost was, for each prisoner, £23 1*s*. 7*d*., it was reduced by prisoners' labour to £6 10*s*. See Colonel Jebb's Report, who further states, that when public works are to be constructed, it would justify the erection of removeable prisons, and the formation of a convict establishment to execute them. Now, compare this principle with that of transportation. Why the expense for maintaining convicts in Van Diemen's Land was £35 a year per head, and in Western Australia £40 per head. He regretted that the right hon. Baronet the Secretary for the Home Department had not carried his Bill further. He would not weary the House with statistics, but punishments, he believed, might be made self-supporting, and that if the question were referred to a Select Committee, evidence could be adduced to show that the view which he contended for was not merely theoretical but practical. He had no hesitation in saying, that a system of secondary punishment might be introduced which would be more deterring than the present, and yet be such as to make a man, after his term of imprisonment, both better and wiser. He was not disposed to press his Motion to a division, if opposed; but he thought that his proposal for referring the Bill to a Select Committee of Gentlemen who had devoted their time and energies to the subject of secondary punishments was not unworthy the attention of the House.

Mr. MACARTNEY seconded the Motion.

Amendment proposed, to leave out from the word "That," to the end of the Question, in order to add the words "the Bill be committed to a Select Committee," instead thereof.

Sir GEORGE GREY said, that he hoped the House would not agree to the Amendment which had just been proposed, the only effect of which would be to involve them again in a long and protracted inquiry. The noble Lord stated that his object was to examine Mr. Pearson, Colonel Jebb, and Mr. Hill, in order that they might lay their views before a Committee of the House with regard to the best means of making prison labour remunerative; but probably, the noble Lord was not aware that Mr. Pearson's views had been very fully laid before a Committee of that House a few years ago, and that Mr. Hill and Colonel Jebb had been fully examined by a Committee last Session, Colonel Jebb being also examined before a Committee of the House of Lords. Under these circumstances, he thought that they would be losing all the advantage arising out of the inquiries by the Committee last year if now, instead of founding any practical measure upon them, they were again to refer the matter to a Select Committee. He must remind the noble Lord, too, that there was nothing whatever in the Bill opposed to the principle of making prison labour remunerative. Convicts were at present employed at Portland, Portsmouth, and Chatham, upon public works of great utility. The labour which they performed there at a comparatively trifling cost would have to be paid for if executed by free workmen, so that, regarded in that light, their labour was remunerative. The Bill referred exclusively to prisoners under sentence of penal servitude. They were placed, in the first instance, in prisons, under the immediate control of the Government, where they were subjected to solitary confinement—the punishment most of all dreaded by them—for a period not exceeding nine months; and after that they were placed in associated labour at Portland, Chatham, or Portsmouth, where their labour was valuable. In Bermuda convict labour was made available for the benefit of the public; but, on the other hand, the convicts at Dartmoor, owing to physical causes, did not perform remunerative labour. Those convicts, however, underwent the same discipline as the others. The main object of this Bill was to enable the Government to send prisoners, in the later stages of their punishment, out of the country, to enable them to avail themselves as much as possible of facilities for removing prisoners from this country, and to meet the demand for the removal of a class of convicts, who, after their discharge, found themselves in a disadvantageous situation with respect to future employment. He quite agreed with the hon. Member for West Norfolk (Mr. Bentinck) and with the noble Lord, that labour of this kind ought to be remunerative; but he thought that that result had been as nearly attained as it could be. Under these circumstances, he thought that it would be an unnecessary postponement of an important measure to refer the Bill to a Select Committee.

Mr. BAXTER said, he would not pretend to take either a legal or a judicial view of this subject, which he regarded as of immense importance, but he should endeavour to express some of the ideas which were prevalent upon it among that portion of the middle classes who, without having made it a special study, took a deep interest in any measure which affected the social well-being of the community. Without impugning the motives of those who built model palaces for the reception of our thieves and vagabonds, and making all allowance for the claims of health and humanity, he believed that the taxpayers of this country had long ago arrived at the conclusion that our benevolent and philanthropic endeavours to ameliorate the condition of our prisoners had been carried much too far, and that it was high time that the gaols of England were rendered somewhat more of a terror to evildoers than they were at present. The noble Lord opposite had talked of the superior condition of criminal prisoners to that of our soldiers; but the fact was, that in the majority of the gaols the prisoners were better fed, better clothed, had more educational advantages, and enjoyed more physical comforts than a very large portion of the industrial classes in this country. At Reading the temperature was more equable than in a gentleman's drawing-room, and in other matters the pampering of criminals was carried to a ridiculous extent. We had gone all at once from the cruel to the lazy system, and he felt most strongly that the effect of much of our modern legislation had been to send our criminals back to society less able and less willing to earn their bread by the sweat of their brow than they were before entering the palaces in which they had been confined. He did not wish to underrate the benefit of religious instruction, but he contended that every prisoner should, as far as possible, be compelled to work for his subsistence, and that the system of idleness which now obtained in too many of our gaols far counterbalanced the advantages derivable from mental tuition. While of opinion, however, that the labour of our criminals might be much more profitably employed, he did not at all concur in the remark made by the hon. Member opposite that the people of this country were tired of transportation altogether. On the contrary, he believed that they agreed with a noble and learned Lord in another place (Lord Campbell), than whom, of course, there could be no higher authority, that the recent increase of crime had not been caused so much by the ticket-of-leave system as by our departure from the system of transportation. He, therefore, most cordially supported the proposition of the right hon. Gentleman, so far as it went, for sending a portion of our convicts to Western Australia, but he wished to impress upon the right hon. Gentleman that this was a mere temporary expedient, that it was only an adjournment of the difficulty, and that in a very few years it was probable there would be a surfeit of convict labour in that colony also. Besides this, they had yet to learn the effect which this proposition would have in the other Australian colonies. In the last Parliament the Government had stated that they had not the remotest intention of reintroducing transportation into those colonies which had expressed a disinclination to receive our convicts, or even of sending them into the immediate neighbourhood of such colonies. This remark referred to the Gulf of Carpentaria; but, on looking at the map, hon. Members would find that Western Australia was not very much further from Southern Australia than the Gulf of Carpentaria from our settlements in Moreton Bay. The Melbourne correspondent of *The Times*, in a letter dated October 29, wrote—

> "The view we of Victoria take of this matter is, that even if Western Australia on the one side, and Moreton Bay on the other, should desire the cheap labour of convict slaves, we, the 800,000 people of the other colonies, ought not to be called upon to submit to have any part of this continent polluted by the presence of a fresh batch of Gipsy Smiths, Rocky Whelans, and Melvilles. . . . . . If England had intended to force convicts on any one of these colonies, Parliament should have withheld representative constitutions and responsible Ministries."

He referred to these facts, not with a view to discourage the present proposal, but to show the House of Commons that they could not look forward to Western Australia as a permanent place of banishment, and that, therefore, it behoved the Government to look out in some other direction for what the people of this country so much required. On this point he might observe that he had not been convinced by what had fallen from the right hon. Gentleman (Sir J. Pakington), and the noble Lord the Member for Lynn (Lord Stanley), as to the disadvantages of the Falkland Islands as a penal settlement. It had been said that there were not sufficient free settlers there to employ our convicts, but why should not the latter be allowed to take land and farm it themselves? Neither did he think it so great a disadvantage that the convicts when liberated might, perhaps, find their way to Patagonia or to the countries bordering on the River Plate. If he remembered rightly the area of these islands was something like 13,000 square miles; the climate was healthy; they were removed from any settled Government likely to object to the neighbourhood of a penal settlement; possessed an immense number of most admirable harbours, and were in the high road of every vessel which came from our Australian colonies round Cape Horn. Altogether, he had heard no conclusive objection to the establishment of a penal settlement in those islands. He entirely concurred with an observation made by an hon. Member in the last Parliament, who said that the Government of this country had been more backward than those on the Continent in availing themselves of private institutions for the reformation of offenders. There was a strong feeling in this country in favour of such societies as the Discharged Prisoners' Aid Society of Birmingham, and there was a kindred institution in Westminster for the reformation of criminals between twenty and thirty-five years of age, the results attained by which were surprising. Since its commencement 600 criminals had been received into it, and of these 300 had adopted a new course of life, and were believed to be doing well, 170 of them being in the British colonies and the remaining 130 in situations at home. He would conclude by expressing a hope that no unnecessary obstacle would be thrown in the way of the present measure.

Mr. BENTINCK said, he was unwilling generally to refer to a Select Committee a duty which belonged strictly to the Executive, but he thought this was an exceptional case, and he was therefore disposed to support the Motion of his noble Friend. On a former occasion he had submitted to the House a Motion on this question which fell through for want of a seconder, owing to the accidental absence of his hon. Friend the Member for Antrim, and the merits of it were not therefore discussed. He wished now to say that he was not hostile to the principle of this measure; his objection was that, though a step in the right direction, it did not go far enough. The measure was a practical measure, but not sufficiently practical. The Secretary of State for the Home Department had told the House that convict labour was at present as remunerative as possible, but that he (Mr. Bentinck) denied. It was only so far remunerative as to demonstrate that it could easily be made much more so. He believed that not only could convict labour be made so remunerative as to exonerate the country from all the expense at present entailed in respect of our convict establishments, but even so as to yield a surplus which would enable the country to undertake measures of the greatest national utility, which never could be attempted without the assistance of convict labour. He did not altogether agree with the views which had been ably supported by Mr. Pearson, in his pamphlet on the mode of dealing with convicts, for he (Mr. Bentinck) held that the best plan was to send them to a penal settlement the access to which, and the possibility of escape from which, should be as difficult as possible. On a former occasion the hon. Member for West Surrey scouted the idea of convict labour being made remunerative. Now, if that hon. Gentleman would take the trouble to look into the documentary evidence upon the point, he would find that not only might such labour be made available, so as to cover the expenses of penal establishments, but to such a degree as to produce a large surplus to the State. That had been proved, not only in this country, but much more in America. Under the present system, every shilling laid out upon our convict establishments and the system of transporting convicts was a mere waste of money. Even financially regarded, therefore, it was worth while to investigate the subject more closely; but he contended that the plan which he recommended would work more beneficially than the present system as regarded the convicts themselves.

Mr. P. W. MARTIN said, he thought the measure decidedly a step in the right direction; at the same time he trusted the question as to where this convict labour was to be employed would engage the earnest attention of the Government. Undoubtedly, in many parts of the country, the employment of convicts had been found to interfere with the free-labour market; at all events, he could safely affirm that, in the district with which he was connected, the rate of wages had been most seriously affected by the influx of convict labour which had taken place of late years. The right hon. Gentleman at the head of the Admiralty had declared that 12*s*. a week, which he acknowledged to be too small a rate of payment, was all that he had to pay to secure labourers for the public. Now, the simple explanation of that was to be found in the large accession of convict labour available in the districts where Government works were being carried on. The effect of the system around Rochester was, not only to render the rate of wages lower than in any other part of Kent, but even below what it was in the Midland counties. But, besides that practical disadvantage to the locality, there was a certain amount of unpleasantness to the honest labourer being brought into such close contact with the very scum of the nation. It had been stated that the whole of the embankments of the Thames below Gravesend were falling in to an alarming extent. The danger increased every year, yet it was not probable that any remedy would be applied; and the remedy was not obvious, as it was difficult to procure free labour to engage in such a task. He had heard a suggestion which he thought worth consideration, that the convicts should be employed in this work. This would be a considerable service, and by the amount of land that would be reclaimed for agricultural purposes, would not only make the labour of the convict self-supporting, but leave a considerable surplus. Such a work, if entered upon, would of course be carried out by contractors, who would find it to their interest to employ the convicts at wages after the expiration of their sentences, and thus enable them, if they chose, to regain, in some degree, a character for honest industry.

Mr. ADDERLEY appealed to the hon. Gentlemen whether they would promote the progress of the Bill before the House by continuing a desultory discussion upon the large and general question of secondary punishments? The point they had to consider was whether they should go into Committee upon a Bill for removing an obstruction to the practical working of the existing Penal Servitude Act, and it was sheer waste of time to debate the question of transportation. He had been struck by the circumstance that all the opponents of the present measure had expressed their entire approval of it, only stating their wish that something further might be done. Believing with them that imprisonment had become too mild a punishment, and that a severer and more remunerative system ought to be adopted, he saw no reason why that question should be mixed up with the object contemplated in the Bill before the House. No man could take a greater interest than he did in the subject of transportation, and secondary punishments generally; but it had been investigated by Select Committees over and over again, and if the noble Lord who wished for further inquiry would take the trouble to read the half-dozen blue books which he would find in the library, he would there find more than all the information which a new Select Committee could possibly elicit. It was all very well to talk of the desirability of reviving transportation. Was it practicable to do so? He was afraid not; and, at all events, no hon. Gentleman had established the possibility of selecting any place to which our convicts could be sent. All the desert spots which existed a century ago were now inhabited, chiefly by men of our own race, and those who pointed to North

Australia for the establishment of penal settlements were ignorant of the great changes which the last few years had witnessed. Previous to the passing of the Penal Servitude Act, the sentence of transportation had become so uncertain as to be a positive evil. The element of uncertainty, however, attached to the ultimate disposal of criminals out of England. The sentence of Penal Servitude was not liable to the same objection; for it would have no uncertainty in itself and would confine the dangerous element of uncertainty to the mere sequel of punishment. There was a serious obstruction to the working of the existing Act, and it was because it fully and effectually removed that obstruction that he would give his support to the present Bill, especially as it exactly adopted his own suggestion which he moved as an Amendment to the Committee's Report.

Mr. W. WILLIAMS thought that means ought to be adopted to make the labour of our prisoners remunerative. In other countries, particularly Holland and America, that important object had been accomplished, as he could testify having visited very many penal establishments there. In New York the labour of convicts was made so profitable that, as he was informed by the governor of that State, in a few years it would pay off the cost of the prison in which they were confined. At Kingston, in Canada, the prisoners quarried the stone for the convict prison, and did all the masons' and carpenters' work under the superintendence of master masons and carpenters. In Holland, the labour of prisoners paid for their entire cost. He had no objection to the present Bill, but it was most important that the Secretary of State should so employ the convicts, that the cost of maintaining them should be less excessive. He believed that there would be plenty of room for employing them without displacing the labours of honest and industrious men.

Lord NAAS said, that having been a Member of the Select Committee which sat last year upon this question, and as one of those who were usually opposed to his hon. Friend (Mr. Adderley), he could not refrain from offering a few remarks to the House. He was one of those who held that the notion of the impossibility of recurring to transportation was quite inadmissible. He believed that not only was it possible, but even easy to devise the means of returning to the system of transportation. No doubt the arrangement would be an expensive one—much more so than keeping the convicts at home; but at the same time, it was equally true that a well-organised system of transportation was the fittest punishment ever devised by the ingenuity of man for the worst classes of criminals. Her Majesty was said to rule over dominions on which the sun never set; if so, it was absurd to maintain the impossibility of discovering a location for a convict settlement in such an empire. It was only that morning he had been reading the evidence given before the Lords' Committee upon the subject, and he was particularly struck by the testimony of a gentleman who had himself surveyed the territory on the Gulf of Carpentaria, which he described as being admirably adapted for sheep farming and every purpose suitable to the wants of a labouring population. Indeed, the only objection urged against that district for a penal settlement was, that it might be said to be too near some portion of the settlements of New South Wales. But Moreton Bay was at least 100 miles from the Gulf of Carpentaria, whilst the nearest points of the two territories were from 500 to 600 miles asunder. Could it be admitted as an argument against sending a few of our convicts to this point, that a few of them after liberation might find their way into one of these colonies? He thought they ought to respect as much as possible the feelings of the colonists, and there ought to be no attempt to force convicts upon a colony that objected to receive them; but it was a mere piece of sentimentality to say that convicts ought not to be sent to within 1000 miles of a colony that objected to receive them. Again, with respect to Vancouver's Island, here was a territory with great mineral wealth and a most fertile soil, and the only two objections to availing ourselves of it for a penal settlement were, first, that it was too far off, which resolved itself into a question of expense; and, secondly, that some of the convicts might get down to California, and thereby the displeasure of the United States Government might be incurred. But, surely, if they were to be influenced by such reasoning as that they might as well at once surrender their judgment altogether. He could not help thinking, that if the right hon. Gentleman the Secretary for the Colonies would devote his great experience to the consideration of the question, all those difficulties would soon disappear. He was well aware that the Colonial Office was opposed to the system of transportation; but that was no reason why, by a slight exercise of their ingenuity, they might not be able to devise a means of relief for a great evil. At all events, he believed that the people of this country were heartily sick of the present mode of treating convicts; and, though they might pass Bill after Bill, they must all end in failures unless they reverted to transportation. Upon that the people of England would yet insist, and if necessary, that a large proportion of our colonial dominions should be apportioned for the purpose. He certainly did not mean to oppose the Bill of the right hon. Gentleman, at the same time that he thought it left the main difficulties of the question untouched.

MR. LABOUCHERE confessed to joining in the regret expressed by several hon. Gentlemen, that instead of allowing them to go into Committee on a Bill which dealt with a very small, though, nevertheless, a very important part of the subject, the House should show a disposition to embark upon the much larger question. At the same time, some observations had been made, and especially by the noble Lord who had just sat down, that were of a character necessarily to call for some remark at his hand. He could assure the noble Lord (Lord Naas) that he had endeavoured to bring a mind quite unprejudiced to the investigation of the important question how far the extent of the Colonies could be made available for a great national object—the reception of at least a portion of those criminals whom it might be desirable to transport; and he must admit that the results of that consideration were identical with those arrived at by every one who had examined the question—namely, that there was no subject which the House of Commons ought more carefully to investigate, if they were not prepared to risk an alternative which he was sure they would witness with the deepest regret, namely, the discontent and alienation of a great portion of the Colonies. Be it right, or be it wrong, and for his part he could not help seeing that at the bottom of such a feeling there was an honourable sentiment well worthy of Englishmen—but be that as it might, wherever Englishmen were found scattered, all over the world, there would be an objection to submitting to the contamination of association with convicts. They might rely upon it this was a question of passion and feeling quite as much as interest. He believed that the Australian colonists were in these days as sensitive upon the question of transportation as were in days gone by the people of America upon that of taxation.

The noble Lord the Member for Cockermouth seemed to think it was a mere piece of sentimentality in the inhabitants of Sydney and Moreton Bay to object to our sending our convicts to the Gulf of Carpentaria, and had recommended us to establish a convict settlement there. Now, what would be the result of such a step? At the present moment the sheep farms and feeding-grounds of Moreton Bay had extended to within about 500 miles of the Gulf of Carpentaria. It was a well known fact in Australia that wherever sheep-farms extended men were in the habit of travelling from one part of the country over the space that intervened between it and another settlement. There would then be, in the event of the Gulf of Carpentaria being made a convict settlement, a constant succession of convicts passing over into the other parts of the colony, and the Government would, of course, be charged with breaking the pledge they had given not to place convicts in a spot from which they could easily escape. A short time ago he received an address from the Legislature of Tasmania, which was to the extreme south of Australia, directly asking the Home Government not to establish a penal settlement in the northern portion of Australia, by which they must have meant the Gulf of Carpentaria, inasmuch as the district lying to the west of it on the north coast was unfit, from the nature of the climate, to be made the residence of Europeans, and was suited only to the occupation of a semi-Asiatic colony. His belief was that they would be acting most unwisely if they attempted to disturb the present state of things. As regarded the penal settlement established on the shores of Western Australia, that place was singularly well formed for such a settlement. It was insulated from the other parts of Australia by a great desert which lay between it and them. Although, geographically speaking, it was a part of Australia, it was in reality almost as much separated from the other parts of that great continent as if it were in another quarter of the world, and its communication by sea with them was even less than with India and other parts of Asia. Above all, it was a place that had been accepted as a convict settlement by the other colonies; and they could not hereafter with justice complain of it. He, however, hoped and expected that it would not be deluged by our convict population, but that care would be taken to classify them, and that they would only send out such of our criminals as were likely to be reformed and to become useful members of society. Many hon. Members appeared to think that they could select any spot in the world for a convict settlement. That, however, was a great mistake. It was not a mere question of looking for a vacant space, and sending convicts to it; they had to consult the feelings of other nations, or of communities, who would be affected by the operation of the system. In Bermuda, for instance, they had pardoned a few men who had full liberty of action accorded to them. Those men had found their way to the United States of America. The United States then passed a law that any vessel coming from Bermuda with a single pardoned convict on board should not be allowed to break bulk, but be at once sent back to her place of departure. That being the case, was it safe to legislate in disregard of the feelings of other nations? If our convicts found their way to other countries, all our attempts would be frustrated by the feelings of resentment which would be excited. We were bound to consider the feelings of the Colonies in deciding on this question. If we did so, we might still carry out the system in Western Australia, in so far as we were justified by professed declarations and announcements made to the Colonies. but even that must be done with caution. If caution were not used, and if our noble colonial possessions were used for purposes for which they ought not to be used, a spirit of hostility would be aroused which it would be found anything but easy to allay.

Mr. SEYMOUR FITZGERALD concurred with the right hon. Gentleman in thinking that the utmost regard ought to be paid to the feelings of our colonists, and that on that account that this was, as he said, a subject that should be approached with great delicacy and caution; but he must at the same time observe that the colonists themselves had not displayed upon the subject of transportation that degree of forbearance which they ought to exhibit. It had been more than once or twice asserted by persons connected with the colonies, in a tone almost of menace, that they would not permit the soil of Australia to be polluted by the presence of convicts. This was, in fact, not only prescribing to the Imperial Parliament the principles of colonization and of government that should be adopted throughout the whole of that vast continent, in regions far beyond their own limits, and wholly within the Imperial dominion; but thus, those who represented the older and more flourishing colonies of New South Wales and Victoria ignore, in the case of other colonies, the privileges of domestic self-government which they claim for themselves, and which we willingly accorded to them. If this feeling were to be acquiesced in, it would be impossible to send any of our criminal population even to the independent colony of Western Australia, which was anxious to receive them; but, passing to the consideration of the Bill before the House, he wished to state, as a Member of the Select Committee which had, some short time ago, sat upon the subject of transportation, that his views were very much in accordance with those which the noble Lord the Member for Cockermouth entertained. He believed that we might easily find some locality to which we might with safety send our convicts, and that while approaching the subject with great delicacy and caution, they might again resort to a system of transportation. It had been said that the Bill merely proposed to remedy some defects in the Penal Servitude Act, and if that had been its sole object he, for one, should not oppose it. But it went much further, inasmuch as the very first sentence of the second clause, while it retained, to a certain extent the reality of transportation, struck at the root of a most essential matter—the passing of the sentence—in a manner totally at variance with the evidence which had been given by the Judges before the Select Committee. The Bill, indeed, had been well described as taking away the power of passing sentence from the Judges, and vesting it in the hands of the Secretary of State for the Home Department—a course which was, in his opinion, highly inexpedient, because he could not help thinking it was very desirable that the Judges should be able, in particular cases, to pass sentence of transportation in open court. He did not care what it might be called—whether transportation or penal servitude beyond the seas—but let the Judges of the land be empowered to pass a sentence having that deterring effect which those engaged in the administration of justice unanimously attributed to the sentence of transportation. He thought that in another point of view, also, the giving this power to the executive was most objectionable. Even granting that it would be always impartially and carefully exercised, yet they should remember that while the Judge had, at the trial, not only the proof of the prisoner's guilt, but all the other circumstances of the case before him; this knowledge could only be obtained by the Secretary of State by the perusal of documents and papers which would, after all, give him but an imperfect knowledge of the facts which would have guided the Judge in passing sentence. He would say further, that a personal perusal of the papers, in the case of all prisoners who might be sentenced to long periods of penal servitude was beyond the powers and strength of any Home Secretary, and thus practically the determining of each prisoner's sentence would rest not with the Secretary of State, but some subordinate in his department. The Home Secretary said, that one of the objections to the present system was that, when a man was sentenced to transportation, there was an uncertainty whether that sentence would be carried out; but the system now proposed to be substituted would be just as uncertain; for a man sentenced to penal servitude would be left in the dark as to whether that sentence involved expatriation or not. He believed that the sentence of expatriation was a very deterring sentence, and when the second clause came to be discussed he hoped the Home Secretary would not object to the omission of the words which declared that no sentence of transportation should be pronounced. He believed that the learned persons who administered the law would not make the sentence of transportation common, but would reserve it for great and important cases, where it was necessary to make an example.

Mr. GARNETT said, he trusted he should receive that consideration and forbearance which were never refused to a young Member who for the first time in his life addressed the House of Commons. He thought it desirable to define what penal servitude really meant. His view of penal servitude was, that it ought to be remunerating to the State, and reformatory to the individuals subjected to it. He believed that they could not venture now, except upon a limited scale, to revive the old system of transportation, and they could not throw off their own shoulders the responsibility of dealing with their criminal population at home in the first instance. If a judicious system were established, he was sure that, so far from the colonists making objection to it, they would, on the contrary, be very glad to receive our adult criminals; but before sending them abroad, they should be compelled to undergo a certain period of probationary labour at home, during which they might test the desire to recover that character which they had previously forfeited. He would not send abroad to our distant Colonies convicts with the brand of criminals, until they had been tried by hard labour and severe tests, with a view to their reformation. They were now attempting to reform our young criminals, and he was not one of those who looked upon a man as altogether irreclaimable, because he was twenty years of age. They had neglected the education of the young, and they were now impatient at their suffering from the adult offenders. Hitherto their only remedy had been to get rid of our moral pollutions, much in the same way as we were in the habit of ridding ourselves of the physical pollution of this great city—namely, by throwing it into the river Thames. He, however, believed there was that in every man which, if only brought out, would tend to reform him, and make him a useful member of society. He hoped, therefore, that their system of penal servitude would be made something like a remunerative and reformatory treatment of criminals.

Colonel SYKES said, that if he thought this measure were intended to abrogate the system of transportation he certainly should not support it; for he was disposed to agree to a great extent with those who believed that outraged society at all times had done right in getting rid, as fast as possible, of any moral sore which was injurious to its social condition. It had been argued from the example of Norfolk Island that transportation was an unsuitable punishment, and it had been set down as a type of the system; but it was unfair to use that instance for such a purpose, because it should be recollected that the people sent to Norfolk Island were not fit associates even for criminals. The advocates of the abolition of transportation seemed to forget the advantages derived from that system in ancient times, and even down to a modern period. The germ of the magnificent empire in the West was formed by transported criminals, and Australia, the great empire of the south, likely to rival, in no long time the great empire of the West, also had its origin in the same class. Therefore, there were ample proofs that transportation had been attended with advantageous results to society and the world. But if they determined on abolishing transportation, and keeping all their criminals at home, what would be the result? It appeared from a pamphlet transmitted to him by the City Solicitor, that in the third quarter of the last century, according to Howard, the criminals in gaols in Great Britain amounted to 1,200, and the cost of keeping them to £5,000 per annum, the population being about 7,500,000. Since then the practice of transportation was greatly relaxed, and had altogether ceased within the last few years; and it appeared there were now 20,000 criminals in Great Britain, costing £400,000, the expense for gaols, hulks, and other matters in addition, being £200,000, the population being about 18,000,000. Thus, the number of criminals had increased more than 1,600 per cent, and the cost of keeping them nearly 5,000 per cent, while the population had not increased 250 per cent. He looked upon the present Bill as not taking away the power of transportation, but as giving the Home Secretary a double authority, one part of which consisted in the right to confine criminals in gaols in this country, in which the criminals were often better clothed and fed, through mistaken philanthropy, than the honest and industrious operative. The Bill permitted any amount of penal confinement from five to ten or fifteen years, and the Home Secretary was also allowed, after thoroughly knowing the character of the criminals, to send them out to Gibraltar, to Bermuda, the western parts of Australia, or to other parts of the world, according to his judgment. This would, at all events, give the Home Secretary the power of transportation without the name of transportation. He could not doubt that that was a wise and prudent provision. The Bill would still continue, and it could not be avoided, a great evil, which must always be felt in reference to criminals confined and released in this country. They unfortunately went back to society with the mark of Cain upon them, and were regarded with jealousy, dislike, and suspicion, so that they found it difficult to procure occupation. In all such cases it would be only an act of humanity to assist such persons to leave the country and to prevent their reverting to their former habits of life. He hoped and trusted, therefore, that it would always be kept in view that a criminal released from gaol should receive assistance to enable him to leave this country and establish himself in a place where, removed from his former associates and from the stigma attaching to him, he might be afforded an opportunity of becoming a useful member of society.

MR. MACARTNEY wished to make a few observations upon the question, as he had been unable to attend on the former occasion, when his hon. Friend the Member for West Norfolk (Mr. Bentinck) moved his Amendment. He did not think that the Bill went as far as it ought, in order to satisfy the country and to relieve it from that feeling of danger arising from the ticket-of-leave system. For a number of years in Ireland he had taken an active part in the management of the gaols. He had also visited the principal gaols in England to ascertain the nature of the system that was established in them. The great fault of the English establishments, in his opinion, was, that they never persevered far or long enough in the experiment. The gaols in Ireland and England had altogether a different system. The one had established a system of remunerative labour; the other one of punitive labour. If, however, we had one uniform system carried out, he thought we should have a large amount of remuneration from this labour, and that we should be reforming our criminals and making them better subjects. He wished to impress upon the right hon. Gentleman the Home Secretary the propriety of testing the system of convict labour to the utmost. He (Mr. Macartney) had spent two or three days examining into the system adopted at Portland. One portion of the labour there worked admirably, but when he came to the portion of the works where free labour was employed, he found that the men employed at the latter were discontented with their condition, and complained that the convict labourer was better fed and better cared for. Now, he contended, that if a proper uniform system were established, the criminal classes would be able, at the end of four or five years, by the remuneration which they received, to assist themselves in going to another country. What was the system adopted with respect to the ticket-of-leave men? After they had been working in an establishment for a few years they were turned out of our gaols. Those parties could not go to their former places of residence because they would be too well known there. They went into public-houses, and some of them before the expiration of forty-eight hours were again committed to prison. They ought to carry out the system of convict labour as exclusively convict labour. The managers of Portland prison said, that the convicts could do the whole of the labour except the driving of the mill. The civil engineer and contractor expressed the opinion that convict and free labour should never be permitted to go on together. He (Mr. Macartney) fully concurred in that opinion, and did not see why that experiment should not be tried. He only hoped that the country, which was calling upon Government for harbours of refuge to protect its trade, and which was so heavily taxed for the late war, would insist upon this convict labour being applied to such useful works—works that would prove remunerative to the convicts themselves, and would enable them at the end of five or six years to go to other countries with their little capitals, and to establish themselves as respectable members of society. He held in his hand a letter which he had lately received from a friend of his who had settled in Western Australia, and who occupied a high position in that colony. He arrived there in 1855, and he would read a paragraph from his letter expressing his opinion of the place in connection with the subject they were discussing—

> "The climate here is delightful, parts of the country are most fertile; it is an admirable penal settlement here, and an ample field for honest industry within it. There is little possibility of convicts getting away from it. They must either reform or starve. There are few persons or none to rob."

In a subsequent letter he stated that he could take treble the number the Government could send out there, and the most industrious ticket-of-leave men there was the Irish, because they were generally agriculturists, and those were the people the colony required. The inhabitants, one and all, were anxious to have a good supply of convict labour to improve the colony and to increase its resources. He would not trespass further on the attention of the House, but he wished to impress upon the Government the necessity of fully testing the system of convict labour.

MR. WYLD said, that it was impossible to maintain the convict population of this country within its own limits, and he had no doubt that, under a judicious system of management, some colonies would be glad to receive convict labour. The reason that receiving convicts in New South Wales and Van Diemen's Land had become obnoxious to the colonists was, that through the defective system which prevailed, those colonies had been saturated with convicts. No doubt, in certain places there might be an objection to convict labour, because the majority of the colonists being squatters would not wish to see the land reclaimed; but that objection could have no force. It was said that North Australia was not a fitting place for convicts, but the failure of Port Essington as a convict settlement, arose not so much from its climate or position, as from bad management. He did not think that New South Wales—the boundaries of which colony had been accurately defined—had a right to complain of the settling of convicts in North Australia, and that colony had no more to do with the settlement of the Gulf of Carpentaria than any other country. He contended that Carpentaria afforded much encouragement for thousands of our convict population, and it was only one degree warmer than Bermuda. Western Australia, too, and a large portion of the coast, which was yet unexplored, could be made available for the reception of our convicts to any extent. But even if the colonists were unwilling to receive that population, why not try home labour? There were persons in this country who would be glad to receive convict labour, and one gentleman, a friend of his own, had told him by letter, that if he were allowed 1,200 convicts, he would maintain and guard them on the northern coast of Cornwall. There was a gigantic scheme on foot for the drainage of London and for the embankment of the Thames, and these were works upon which convict labour might well be employed without interfering with free labour, and at the same time at a great saving to the State. He was satisfied that if the Government would turn their attention to the subject, they would see many ways of turning convict labour to advantage, without doing anything detrimental to the interest of the honest working man.

SIR HARRY VERNEY wished to suggest that transportation to Australia or North America, or any of our Colonies, had ceased to have a deterring influence on our criminal population. Criminals ought, in the first instance, to be subjected to punishment at home, where the effect would be known to their associates. Our criminals were not reformed in the gaols; but he believed that those who passed through our gaols and were then sent to reformatories might undergo a process very salutary to their character. He trusted, however, that the Government would send abroad those only who, instead of being injurious to the Colonies, would be beneficial, and he felt confident that many of our colonial possessions would be glad of such convicts. In his opinion the convicts were not the worst part of our population, for some of the greatest criminals were fortunate enough to escape conviction and punishment. It had been said that the criminal population was increasing so much in the country that they could not be allowed to remain at home. He would not detain the House longer than to express the hope that more attention would be paid to the prevention of crime than its punishment.

Sir F. SMITH having been employed for many years in conducting works under the Crown, in which convict labour was employed to a great extent, wished to state that he had always found the work well performed by the convicts, the employment of whose labour was decidedly economical; and he asserted that the work performed by them (taking into consideration their maintenance, and the cost of constructing the buildings that contained them) was performed cheaper than by free labour; and that therefore their punishment need cost nothing to the country. The convicts generally expressed an opinion that transportation is the most deterring kind of punishment. He thought the Bill would give the Home Secretary the power of imposing a punishment adapted for the crime committed, and he would therefore give it his cordial support.

Mr. Alderman CUBITT was very glad to see the manner and spirit in which this Bill had been drawn; and, as he thought it would tide over a difficult period, he should support the Bill.

Lord ADOLPHUS VANE-TEMPEST said he thought the discussion which he had originated would have been the means of extending the operations of the right hon. Gentleman's Bill. He regretted, however, to find that the sense of the House was against him; and that being the case, he would not press his Amendment.

Amendment, by leave *withdrawn*.

Sir H. Verney

Main Question put, and *agreed to*.

Bill *considered* in Committee.

On Clause 1—(16 & 17 *Vict.* c. 99, ss. 1, 2, 3, and 4, repealed).

Mr. KEATING said, that he rose to move an Amendment, which would render the Bill more acceptable to the country, and more serviceable to the administration of justice. He proposed to add to the repealing clause, which was the first, the three sections of the 16 & 17 *Vict.* which created for the first time the ticket-of-leave system. The effect of repealing these clauses—namely, the 9th, 10th, and 11th, would be entirely to abolish the ticket-of-leave system—a system which had not realized the anticipations of those who advocated its adoption, and which had interfered most injuriously with the administration of criminal justice. There could be no doubt that the experiment of tickets of leave had created considerable alarm in the country. It must be admitted that in this, as in all panics, there had been exaggeration, but still there had been so large an amount of apprehension that it would be impolitic to allow the cause of it to continue. All who had spoken upon the subject had dwelt upon the necessity, as far as possible, of certainty as to the execution of sentences pronounced. If that were true generally it was still more true in the present case, because the Bill contained necessarily within itself the principle of uncertainty, justified, indeed, by the existing state of things. When a Judge sentenced a prisoner to a term of penal servitude there was uncertainty whether the sentence would be carried out in this country or abroad. That uncertainty, however, was matter of necessity, and he, therefore, concurred with the great majority who were in favour of the Government Bill (as being the best course which could be pursued under the circumstances). But if the ticket-of-leave system were allowed to continue in existence, together with that which would be established by this measure, the further element of uncertainty as to the duration of the sentence would be very unnecessarily introduced. If the object of those who originally introduced that system was merely the improvement of the conduct of the convict whilst under punishment, the system might perhaps be considered as not having failed. But there were higher objects to be considered, namely, the reformation and permanent improvement of the convicts. And so far as the system had been tried, it had not only proved a failure in this respect, but had been a serious injury to the country in a variety of ways. Indeed, it had only been prevented from doing more mischief by the wise and judicious manner in which it had been administered by the Home Department. Not only was it the opinion of the country that the system had been a failure, but such also was the result of the evidence which had been given before the Committee which had sat to inquire into the subject. Of that evidence it might be observed that, with a few exceptions, those persons who were concerned in the conduct of the convicts whilst under detention, gave the strongest testimony in favour of the system, whilst those who had to deal with liberated convicts—whether English or Scotch; whether the police, from Sir Richard Mayne to the lowest constable, or the sheriffs and sheriffs' substitute—were decidedly adverse to it, and unanimous as to its failure. The facts which their evidence contained had been endeavoured to be overthrown by Colonel Jebb, the Inspector General of Prisons, and his assistant, Captain O'Brien, who tried by statistics to overthrow these facts. But the inferences drawn from these figures were evidently deduced by persons far too sanguine as to the success of the experiment. Captain O'Brien jumped, for instance, to the conclusion that because only twenty per cent of the ticket-of-leave men were known to be recommitted, eighty per cent were reformed. This was a forced conclusion to arrive at even if the figures were correct. This, however, they were not, for it appeared clearly both that the returns, on which he founded his conclusions, embraced less than half of the time during which the system had been in operation, and that there was no means of ascertaining what really became of the ticket-of-leave men. The Committee had, indeed, no data before them from which they could come to a decided conclusion as to the success of the system; but so far as the evidence went it amounted to this, that it had failed in effect in its object beyond securing the good conduct of the men while in gaol. It had not secured the reformation of offenders. But the advocates of the system maintained that the reason the system had failed was because—one essential impediment of the system—that of surveillance upon the ticket-of-leave men had not been enforced, as was originally intended by those on whose plans the system had been originally founded. The evidence certainly showed that the Home Secretary had wisely abstained from that surveillance over the ticket-of-leave men which had been proposed, and which, if enforced, would, he believed, have thrown the country into a state of terror much worse than that which had existed. Besides, if surveillance had been enforced, the whole system would have broken down, for the only effect would have been to augment the difficulty of the men finding employment, and thus to drive them into crime. He was not for excluding the element of hope from the treatment of the prisoners; but, at the same time, nothing was clearer than that in nine cases out of ten the criminal's good conduct in gaol was no proof of his reformation. In fact, the evidence went to show that the worst characters were often the best conducted in prison. The element of hope ought to be secured in such a manner as not to import the element of uncertainty as to the absolute duration of the criminal's period of punishment, which, of all things, was the most mischievous. He would allow their good conduct, therefore, to improve their status in gaol, but would not permit it to affect their term of imprisonment. No uncertainty would thus be introduced into the execution of the sentence pronounced at their trial; and he believed that the men were more likely to be sent home wiser and better men than if they had obtained a ticket of leave by an apparent reformation, which facts satisfactorily showed did not often in reality take place. The whole system was an evil unless it could be shown that it ensured some advantage which counterbalanced the great evil of uncertainty.

Now, what, in the fact, was the benefit supposed to have been derived from the system? The best commentary on the system or rather upon the opinion entertained of it by the Home Office, appeared from the statistics furnished by the Home Secretary on introducing the present Bill in February last, which showed that at the passing of the Act which established the ticket-of-leave system, there were 10,000 convicts under sentence of transportation: 7,000 of these had received tickets of leave; 2,000 were transported, and the remaining 1,000 were disposed of otherwise. But from the passing of the Act, which came into operation in September, 1853, up to February last, the Home Secretary had only granted tickets of leave to fifty-three other and additional convicts.

Therefore, it was evident that the Home Office had confined the employment of the system to clearing off the convicts existing at the time it came into operation, but had not materially extended its operation to those who were subsequently convicted. No case, therefore, was made out for the system. Unless its advocates could show that it produced good with reference to the objects contemplated by them, and that that good quite counterbalanced the admitted evil, these clauses ought not to be retained in the Bill. They could be struck out without in any degree affecting the operation of the rest of the Bill, and he must urge upon the Government that their omission would materially improve what was admitted to be an extremely good measure. The clauses were very unpopular, and the only reason which the right hon. Baronet had given for their retention was, that it might sometimes be useful to give a man a ticket of leave. He (Mr. Keating) believed that there was no case in which a pardon would not operate more beneficially than a ticket of leave. The evils that this ticket-of-leave system produced were greater than could be accurately computed. The law ought to be paramount; but this system put the executive above the law.

Moved, after "four," to insert the words "nine, ten, eleven."

Mr. WHITBREAD seconded the Amendment, for the retention of the clauses would only increase the difficulty which had arisen as to the disposal of convicts since the refusal of the colonies to receive them. The great difficulty lay in the solution of the question what was to become of convicts when released. He would not repeat the arguments of the hon. and learned Gentleman, but he must express his hope that the Government would not be induced to give assistance to the prisoners on their discharge such as he had heard proposed, for he must view with apprehension the association of a great body of men, to say the least, of doubtful character, on public works, over whom the Government had no legal control. He would, however, express a sanguine hope that employers and workmen would not object to receive these persons among them. Emigration, however, best supplied all the conditions necessary for completing the reformation of the convict. A new country, a great demand for labour, high wages, old associates and haunts left behind, and his past life a sealed book—these offered the brightest prospect to the released convict, and afforded the greatest relief to the country; and, in his opinion, no colony would refuse convicts who had shown such a disposition for industry as a voluntary emigration would betoken. These tickets, however, only licensed a man to be at large in the United Kingdom and the Channel Islands, and would therefore prevent his emigrating. It might be said that this prohibition would not really be enforced; but, was it consistent with the dignity of Parliament that laws should remain upon the statute book, the provisions of which the Executive were prepared to see broken without raising a finger to stop it? If the convict, from want of money, or owing to family ties, could not emigrate, the ticket of leave had a most injurious effect upon his prospects. His best chance was to be freed from any police espionage, however slight. This system had excited much opposition, and he believed that, except a return to the system of transportation, nothing would be more acceptable to the public than its abolition.

Sir G. GREY said, that a very important question had been raised by the Amendment, or rather by the speech of his hon. and learned Friend the Member for Reading (Mr. Keating). The effect of the Amendment would be to repeal those three clauses of the Bill which gave power to the Crown to attach conditions to the discharge of a prisoner by means of a ticket of leave; and his hon. and learned Friend wished to raise the question which was raised before the Committee last year—namely, whether sentences of penal servitude were to be carried out to their full extent, or whether a system was to be adopted by which prisoners might indulge the hope that by good conduct in prison a portion of their sentences might be remitted. The only effect of repealing the clauses alluded to, however, would be, that that portion of the sentence remitted would be remitted unconditionally, instead of being subject to the conditions imposed by the ticket of leave; but it appeared to him that it was very important to consider on what terms and subject to what conditions the remission of a portion of a sentence, if it took place at all, should be permitted. Upon this subject he was anxious to repeat what he stated in February last, when he first introduced the Bill. He stated, then, that he thought the test of good conduct in prison was necessarily a very imperfect one; the prisoner was then in an unnatural state, he was removed from the ordinary temptations of life, he was expected to conform to certain prison rules, and no doubt he had very strong motives for placing his passions under restraint and observing the prison regulations. There were therefore many men who, without the slightest change of character, might honestly obtain a certificate for good conduct in prison which would afford no guarantee that on discharge from confinement their conduct would continue to be exemplary. At the same time he (Sir G. Grey) qualified to some degree that statement, because he was of opinion that compelling persons to conform to regulations tended to induce habits of order and good conduct, and he was not without hopes that those habits of regularity formed in prison might sometimes be continued after a restoration to freedom. He also stated that a good deal of the prejudice against tickets of leave arose from the large period of the sentence remitted to convicts under sentence of transportation when that punishment was abolished. And, further, that having looked carefully at the evidence, he found that the Judges and almost all the witnesses, who had paid much attention to the subject, thought that it was expedient to give to prisoners, under sentence of a long term of imprisonment, the stimulus of hope, that hope being that the remission of a portion of their sentences might follow as the result of good conduct in prison. He therefore, in deference to that opinion, said that if this Bill passed, and sentences of penal servitude were substituted for transportation, the Judges, knowing the nature of the sentence, should be in a position to explain to the prisoner that a certain portion of his sentence must be endured as a matter of course, but that beyond that there was a margin, if he might so call it, which might be remitted, but would certainly be inflicted if the prisoner did not conduct himself satisfactorily whilst undergoing the first portion. He thought that this was desirable, because all the evidence with regard to the conduct of prisoners in gaol led to the belief that they might be much more easily managed by the holding out of that stimulus than by any other means. Adverting to the second question —namely, on what terms and subject to what, if any, conditions the remission of a portion of the sentence should take place, he (Sir G. Grey) was further of opinion, that a lesser portion of the sentence should be remitted than formerly, and that the remission should in general be unconditional. A ticket of leave did not carry restriction upon the holder into a foreign country; but a ticket-of-leave man was, as regards the colonies, under a restraint which nothing but a colonial Act could relieve him of. He would be illegally at large in a colony unless such an Act as colonists would not be likely to favour were passed to meet his case. Under those circumstances he (Sir G. Grey) had arrived at the conclusion that it was better that the portion of the sentence remitted should be shorter, but unconditional. Nevertheless, he did not think it would be judicious to deprive the executive of the power of putting released prisoners under the restraint of a ticket of leave, where such a restraint was thought advisable. He agreed with his hon. Friend the Member for Bedford that it was undesirable that the Government should hold out advantages to discharged prisoners, and thought that that should be left to the agency either of private individuals or of associations formed for that purpose. On the former occasion he had alluded also to the numerous class of cases which were constantly occurring, in which magistrates and other authorities recommended, on the certificate of the surgeon, the remission of a portion of a prisoner's sentence on the ground of ill-health, which would make further imprisonment dangerous to life. It was astonishing how large a number there were of these cases, and in how large a proportion of them the prisoners relapsed into crime after their release. He had no doubt that these certificates were honestly granted; but remissions of this character ought, he thought, to be subject to tickets of leave, making them revocable in case of a relapse into crime. There must be other cases also in which this power would be useful, and therefore he did not think it would be advisable to repeal the clauses objected to by the Amendment of his hon. and learned Friend the Member for Reading, though he should not be disposed to act on that power in general cases. It was a mistake to suppose that the only novelty about tickets of leave consisted in issuing them in this country, the ordinary system having been for years to grant them in the colony. The real difficulty which was experienced here was, what to do with convicts when they were ultimately discharged, whether upon tickets of leave or upon the expiration of their sentence, and he referred to a charge of Baron Bramwell's, in which that learned Judge said that the complaint which was directed against the ticket-of-leave system, really arose from the circumstance that all our prisoners were now discharged at home, instead of being discharged abroad, and that many of the crimes which were supposed to be committed by ticket-of-leave men were committed, not by them, but by persons who were at large after having completed the entire period of their sentence. There could be no doubt that a large portion of the crime which was committed in this country was by persons who had been formerly convicted, by persons who had been trained to crime from their infancy, who had been convicted over and over again, and who formed, in fact, the criminal population of the country. The great problem which Parliament had to solve was, first, how to deter those persons from crime by making the punishment which followed a real object of terror; next, how to reform prisoners when in confinement; and, lastly, and most difficult of all, how to deal with prisoners upon the expiration of their sentence, so as to prevent them relapsing into crime, and place them in a position to redeem their character, and by industrious pursuits to become useful members of society. It was with the view of, in some degree, meeting these difficulties that the present Bill had been proposed, and he trusted that the Committee would not consent to repeal those clauses authorizing in certain cases the granting of tickets of leave, and would not declare it to be inexpedient to remit, under any circumstances, a portion of a prisoner's sentence.

Mr. HENLEY said, that in his opinion the statement made by the right hon. Gentleman, with respect to the intended practice of the Government in that case was of a very satisfactory character. He quite agreed with the right hon. Gentleman that it would be a great misfortune if criminals were altogether deprived of the hope that they might, by good conduct in prison, gain some remission of their sentences. But at the same time, he should say that he very much regretted that the right hon. Gentleman had come to the conclusion that he ought to retain the power of granting tickets of leave, especially as he himself had made observations which tended to confine the arguments of the hon. and learned Member for Reading. The great difficulty was to know what to do with convicts after they had been let loose from gaol, from the flux of time or the mercy of the Crown. He believed that if that difficulty could be aggravated by any human means, it must be by the employment of the expression "ticket of leave." That expression had created considerable alarm throughout the country, and any person to whom it was applied was looked upon by people generally as much worse than a criminal who had undergone the full amount of punishment to which he had been sentenced. Convicts used to return from transportation, having served out their time, or having served ten years for fourteen years, and nobody seemed to take any notice of them; but since the use of the term "ticket of leave," every discharged convict seemed to be thought something worse than a criminal—a person whom the Government was afraid to set at liberty without keeping some hold upon him. Under those circumstances every one was jealous and watchful of his actions, instead of helping to make him a good citizen. It was said that men whose terms of imprisonment were shortened upon medical certificates often humbugged the prison authorities. No doubt, many of them recovered their health and spirits in a very short time, but there were many others who, broken down by the confinement, never recovered. The right hon. Gentleman was aware of the feeling created in the public mind by the system, but had given no good reason for its continuance. He (Mr. Henley) would, therefore, earnestly entreat him not to perpetuate by that means the great difficulty of disposing advantageously of prisoners after they had been liberated from confinement.

Mr. M. MILNES said, that the Committee of which he had been a Member had abstained from giving any decided opinion on the ticket-of-leave system, because it had not, in their opinion, received any fair trial whatever. Towards the close of last year there had arisen in this country, in reference to that system, one of the most absurd and injudicious fancies that had ever seized on the minds of any people, and this had rendered it difficult to deal with the question calmly and deliberately. Every discharged prisoner was regarded as a ticket-of-leave man, and the whole country was supposed to have been overrun by refugees from the gaols, let loose on society by the right hon. Baronet the Secretary of State for the Home Department. The question they had then to consider was, whether they should so far yield to that panic as to get rid of the means which the system afforded of remitting a portion of the sentence pronounced on convicts. The Committee on the subject found that the causes which had rendered the working of the ticket-of-leave system in some respects unsatisfactory were of a temporary character. Of the conduct of discharged convicts they knew nothing ; but it should be remembered that the ticket of leave, as far as it went, furnished a presumption that the person who had received it was a better man than a prisoner who had undergone the whole amount of the punishment awarded him, because it showed, at all events, that he had obtained a partial remission of his sentence by exercising some self-control and exhibiting some species of good conduct. The enormous amount of money and trouble they expended in improving the condition of prisons would be thrown away if they established no medium between the prison door and the world. When a convict was turned out of prison with money in his pocket, he felt a strong desire to gratify his passions; but, if on his discharge he was received in some intermediate position, where a certain control was kept over him, until it was ascertained that he could exercise his free will judiciously, he would have a much better chance of entering society as a good citizen than under any other circumstances. He was, therefore, very anxious to see attached to every prison some kind of institution in which convicts could find a temporary shelter after their release from confinement; and he hoped the Government might yet be induced to afford public aid for the maintenance of such establishments. An institution of that description was attached to the gaol of which he was a visiting magistrate ; and he could undertake to say that it had been found to work most beneficially. As to the remission of sentences in certain cases on account of the health of prisoners, he did not see why, on any ground of humanity, they were fairly called upon to dismiss a man from prison because his health was seriously affected. The chances of life and death must be submitted to in prison as well as out of it, and he must say he thought that the system under which at present a great criminal was discharged on account of ill health, who, as soon as he got well again, did something worse even than his original offence, required a much more careful supervision than it seemed to receive at present. He hoped his right hon. Friend (Sir G. Grey) would change his mind with respect to the suggestion that the Government should contribute towards the maintenance of discharged prisoners. He believed the Committee would do well to retain the clauses in question in the Bill; and he was sure that the right hon. Baronet the Secretary for the Home Department would take care, after the many warnings he had received in the course of that discussion, to use with the utmost discretion the powers which they would confer upon him.

Mr. PACKE denied the accuracy of the statement of the hon. Gentleman who had just addressed the Committee, that the panic of last winter in reference to the ticket-of-leave men was "absurd and injudicious." That panic was justified by facts, and he believed that every reasonable means ought to be taken to prevent a return of the feeling. He agreed with the hon. and learned Gentleman, that nothing contributed more to the prevention of crime than the certainty of the punishment by which it was to be followed. He did not wish to destroy in the mind of the convict the hope that he might, by good conduct, obtain a remission of his sentence ; but he felt convinced that the most injurious consequences would be produced if prisoners were led to believe that they might, by acting the hypocrite before the chaplain and without any difficulty, obtain a ticket of leave, which would ensure the termination of their confinement and a remission of their punishment by the Crown. If the hon. and learned Member pressed his Motion to a division, he would give him his support with the greatest cordiality.

Mr. ADDERLEY said, the Secretary of State for the Home Department had stated that he intended to apply regulations of his own to the ticket-of-leave system, so as to get rid of the surveillance over liberated prisoners, and that there would be only remissions of sentence for good conduct—a very different system from that which had caused such alarm in the country, and given rise to the Amendment of the hon. and learned Member for Reading. But if the right hon. Baronet wished to retain the remission of sentences after conviction, for good conduct, the question was, how could that best be carried out ? The penal treatment of prisoners was easy enough, in whatever part of the world they were, but the difficulty was—what were they to do with a prisoner after penal treatment ceased, and it became necessary to place him in society again? If his return to society was to take place in this country, he thought, at all events, they ought not to place in their way every species of obstruction, every artificial difficulty, to crush their spirits, cause them to be dogged by the police, and make them feel at every turn that they were not free citizens, and had but little chance of obtaining employment. By discharging a man under surveillance, you destroyed his power of acting for himself, giving him the impression that he was watched by the police wherever he went, and that he bore about with him in his pocket the sign of his degradation in the shape of a ticket of leave. What, then, could be the object of retaining this system? He did not wish to see the criminal deprived of all hope should his conduct be such as to merit favourable consideration; but was the ticket of leave the only means by which this hope could be kept alive?

SIR G. GREY wished it to be understood that the omission or retention of these clauses would not affect in the least the prerogative of the Crown in the remission of sentences. The only question was whether that remission should be absolute and complete, or whether power should be taken in certain cases to make it subject to certain conditions.

MR. ADDERLEY asked whether Her Majesty's prerogative would not be more freely and usefully exercised without these clauses? Was not the whole merit of the pardon lost as regarded the Crown, while, at the same time, it was granted in a manner least to the advantage of the prisoner and of the country at large? The Secretary of State had at present, according to his own showing, the power of remitting a sentence, and he had better not fetter his power by the retention of these clauses. There was no doubt that, whether with or without reason, the ticket-of-leave system had occasioned the greatest panic throughout the country, and he thought this furnished sufficient ground for condemning it. The most objectionable and unconstitutional part of this Bill was that which would enable the Home Secretary, upon mere suspicion, on his bare *ipse dixit*, to revoke any of these licences to convicts, and order the re-apprehension of the suspected man without any inquiry into the truth of the information given to him. An arbitrary system of that nature would be a heavy blow to the administration of justice in this country, and dangerous to the liberty of the subject. The Home Secretary, no doubt, deserved thanks for having introduced this Bill, but he begged to suggest to that right hon. Gentleman, that inasmuch as there were only six clauses in it, and three of them were highly objectionable, while other three of them would not be pressed, it would be better to withdraw the Bill, with the view of re-proposing the remainder of it in conjunction with what was unobjectionable in the existing Act, in order that there might be one clear and uniform enactment upon the subject of penal servitude.

MR. BRISCOE said this was no question of political bias; it was one in which all parties must feel an interest; he hoped, therefore, that the right hon. Gentleman would yield to the opinion so generally expressed on all sides of the House, and expunge these clauses from the Bill. Surely the Secretary of State would rarely act on these clauses if carried. People had not been influenced by "panic" or "prejudice" on the subject, but had just ground of complaint. He knew several cases of hardship, having originated from its being known that men had tickets of leave.

MR. COLLIER said the question had been put upon a false issue. It was not whether the ticket-of-leave system should be retained, but whether the Crown, having already the power of granting an absolute pardon, should have the power of granting a conditional pardon. That was the whole question. The ticket-of-leave system only applied to persons committed before 1853, and would soon expire by efflux of time, nor was it to be continued. But, as sentences were to be longer, the question was as to conditional pardon. He was quite certain the system was not likely to be carried to any great extent, and under proper judicial management, and with certain checks, it might be an efficient instrument for good in the hands of the Secretary of State. Under these circumstances, he thought it would not be desirable to affirm the proposition of the hon. and learned Gentleman, that the Crown should not have the power of granting conditional pardons.

MR. NEWDEGATE said, the Government asked a wide extent of discretionary power—a power to transport prisoners or not, as it might appear proper to them. That was a great power to trust in their hands, of saying whether "penal servitude" should mean transportation or not. As the country was naturally jealous of this extension of arbitrary power, he did not think that, in requiring the relinquishment of the power of granting revocable licences—a power which had been already used most mischievously to create a servile class, hon. Members at all attempted to trench upon the Royal prerogative.

LORD NAAS said, that in the Committee on this subject last year, he had proposed the abolition of the ticket-of-leave system, which probably would have been carried but for the absence of some Members. The Committee proposed that all sentences of penal servitude should mention a *minimum* and *maximum* period, so as to give the prisoner the stimulus of hope and an inducement to good conduct. The ticket-of-leave system was impracticable, and could only be enforced by most obnoxious means, and an objectionable system of espionage on the part of the police—because, in nine cases out of ten, the holders of tickets of leave destroyed their tickets, because they were badges of disgrace, and facilitated their re-apprehension. You might as well tie a mill-stone round a convict's neck as discharge him with a ticket of leave. It was proved that in only two cases had the licences been revoked, except on re-conviction. It could not, then, be necessary to retain the power, which "stank in the nostrils" of the people of this country.

MR. BERESFORD HOPE denounced the arbitrary discretion of the Home Secretary, and contended that legislation was wanted for a grave subject, and that it was unwise to keep up the unpopular system of ticket-of-leave in exceptional cases, which had proved to be a great failure.

Question put, "That those words be there inserted."

The Comittee *divided:*—Ayes 83; Noes 173: Majority 90.

Clause *agreed to.*

On Clause 2, (sentence of transportation abolished, and sentence of penal servitude substituted).

MR. S. FITZGERALD said, that he rose to move an Amendment. It was contemplated by the Bill that transportation should still exist, but that it should form no part of the judicial sentence. It appeared to him (Mr. S. FitzGerald) that the actual passing of the sentence of transportation was of the greatest importance, and all the evidence given before the Committee last year bore testimony to the deterring influence which that sentence, judiciously delivered, had upon the criminal and his friends in court who were listening to the trial. In confirmation of this opinion, the hon. Member quoted the evidence given to the Committee by Mr. Justice Erle and Mr. Justice Cresswell, and the same fact, he said, was testified to by Sir Matthew Barrington and Mr. Justice Maule. Yet the Bill proposed that, for the future, it should not be in the power of the Judges to pass that sentence which they regarded as the most effectual. He objected to the clause on another ground. It transferred to the Executive Government a power which, in his opinion, ought to belong to the judicial officers only; namely, that of selecting the proper subject of transportation and deciding which should remain at home; and, although we had every reason to expect that the power of transporting criminals would be exercised with impartiality and a strict regard to the interests of the public by the Minister of the Crown, yet it was a dangerous power to leave in his hands. If a selective discretion were to exist at all, it ought to rest with the Judge who tried the case, and who was acquainted with all the circumstances. It might be said that the Judges, if the power were left in their hands, would pass sentence of transportation upon such a large number of persons that the executive would be unable, for lack of penal settlements, to send all the convicts out of the country. He did not think, however, that there was much in that objection, because, if it were well understood by the learned persons who administered the law that the power of sentencing to transportation was retained in their hands solely in order that it might be exercised in great and important cases, he felt quite certain that they would not abuse the discretion thus given to them, or pass the sentence upon a greater number of criminals than the Government would be able to transport. Under these circumstances, believing as he did that the discretion to be given to the Government to be too extensive, he should conclude by moving the omission of the words, "no person shall be sentenced to transportation."

SIR GEORGE GREY said, that in opposing the Amendment, he wished to remind the Committee of the present state of the law. By the Act of 1853, all sentences of transportation for less than fourteen years were abolished. Above fourteen years and up to sentences for life discretion was left to the Judges. Many of the Judges, no doubt, were of opinion that the sentence of transportation had a very deterring effect, provided there was a perfect conviction in the minds of those who heard it pronounced, that it would be carried into execution. But the fact was that a Judge, when he sentenced a man to transportation, was utterly at a loss to know whether the sentence would be carried into effect or not. Even before the passing of the Act of 1853, as he had stated the other night, a large proportion of the sentences of transportation were not carried into effect—in fact, not more than a third were executed, and there was a conviction, founded upon experience, growing up in the minds of the people, that it was a mere chance whether a sentence of transportation would be carried out or not. Now, what he proposed was, to render every person sentenced to penal servitude liable to the same consequences as he formerly would have been under a sentence of transportation. According to the present Bill a Judge would not be able to distinguish between two criminals, by sentencing one to penal servitude and the other to transportation; he would be obliged to sentence both to penal servitude, telling both that the sentence involved their liability, at the discretion of the advisers of the Crown, to all those consequences which the sentence of transportation formerly carried with it. He admitted that the discretion sought for by this Bill was a large one to ask for, but it was not larger than that which had been exercised of late years owing to the pressure of circumstances, and he believed that, as the sentence of penal servitude could be always literally carried into effect at home or abroad, it would produce a greater certainty of punishment and might be advantageously substituted for a sentence which had nothing certain about it, which could not in all cases be executed, and which, therefore, had lost more than half its terrors.

MR. PACKE said that, remembering the deterring effect of transportation, it was a serious thing to do away with the sentence of transportation. He rejoiced that capital punishments had been so much diminished of late years; but was there not some danger of increasing the inducements to crime by doing away with the punishment next in severity? He should wish to see the sentence of transportation for life allowed to remain in many grave cases. He feared too, that, if the clause were agreed to, sentences passed by Judges would be liable to be destroyed at the discretion to be thereby vested in the Executive. He thought, therefore, that it would be wise in the Committee to adopt the Amendment of his hon. Friend.

SIR JOHN PAKINGTON said, that the explanation of the right hon. Gentleman had not quite removed the feeling of apprehension with which he regarded this portion of the Bill. He did not wish to impede the passing of the Bill, and he would admit that some of its provisions were essential to the administration of justice. It might be necessary, and he was perfectly willing to entrust the Executive with considerable power and discretion, but the present Bill gave them so much that he was afraid the effect would be to embarrass courts of justice in passing sentence. As he understood the Bill, it was proposed to restrict the Courts to passing sentences of penal servitude only; but in passing such sentences, Judges would not have the least knowledge whether the person sentenced would be kept in England or sent to Bermuda, Gibraltar, or Western Australia. Might not this uncertainty create some difficulty in the mind of the Judge? Suppose he thought a sentence of six years' penal servitude a proper punishment for a particular offence. A sentence of imprisonment, however, in England was one thing, and a sentence of transportation to Western Australia was another. In the one case, a man would be released in England and would return to his friends; in the other, the probability was, that the man would pass the remainder of his days in that country. Even in the case of transportation to Gibraltar or Bermuda, the punishment would not be the same as imprisonment in England. He doubted whether the House were not about to transfer to the Executive the functions of the Judge. The right hon. Gentleman stated on a former occasion that it was his intention to issue instructions to guide courts of justice in passing sentence. Would he have any objection to state what the nature of these instructions would be, as he should like to hear their nature and to know the plan by which the right hon. Gentleman proposed to relieve the embarrassments which Judges would feel in carrying the Bill into effect.

SIR GEORGE GREY said, he had intimated that if the present Bill passed, it would be quite right that regulations should be drawn up, which should be communicated to the Judges and those filling judicial offices, detailing the nature and consequences of the changes made in the law, and enabling them to explain to the prisoner the nature of his sentence. They would explain, for example, that a certain portion of the punishment would in all cases be undergone, and that the prisoner would also be liable to removal to a penal colony at the discretion of the Home Office. It would be impossible, however, to state what would be done in each case, because this would depend on circumstances that would be brought to the knowledge of the Executive Government after the sentence was passed, with reference to the physical capacity of the prisoner and other circumstances. Every approximation to certainty would be made, but he was afraid that it would be impossible, by any fixed rules, to enable the Judges to know what the sentence in each case would actually be.

MR. VANSITTART said, he could not but protest against the language of the clause. Public opinion had strongly declared itself against the system of tickets of leave—against the system of throwing upon the country a number of felons and convicts after a limited period of imprisonment, who must necessarily betake themselves to their old haunts and associates. He was aware of the hopelessness of continuing the discussion after the division that had taken place, and would therefore confine himself to expressing his belief that we had plenty of places to which convicts might be sent.

LORD ADOLPHUS VANE-TEMPEST said, that they had now abolished the system of transportation. [SIR GEORGE GREY: No, the sentence.] Well, then, the sentence of transportation. Still he could not understand how—when there were 20,000 criminals sentenced every year by the Judges, and 70,000 others sentenced upon summary convictions—a simple proposal to send out of the country 400 or 500 of the best behaved of our convicts could settle the question of how we were to dispose of a criminal population which amounted annually to nearly 100,000 persons. Sentence of transportation had been spoken of as calculated to produce an extremely deterrent effect upon the offender, but to show that such was not always the case, he might mention a circumstance which took place at the assizes in Durham, at which one of the most eminent of our Judges — Justice Cresswell — presided. A criminal had been convicted before the learned Judge, and had been sentenced by him to a certain period of penal servitude, whereupon the prisoner threw a boot at his Lordship, crying out, "Here goes for over the water!" The whole court was, of course, in a state of the utmost excitement. The learned Judge himself fell back in his seat in a fainting condition, but had immediately, with a degree of courage which was only equalled by his ability, roused himself up and doubled the sentence, so that the gentleman did not obtain his wish to go over the water. So much for the deterrent effect of the sentence of transportation. He thought that there had been undue haste in passing this Bill into a law. The true principle was, that a prisoner's labour ought to be remunerative. It only remained for him to say, that if the hon. Member for Horsham went to a division, he should vote against the Amendment.

MR. MILLS was understood to say that he would support the clause, believing that it mattered little in what shape sentence might be passed, whether of penal servitude or transportation. He thought that the chief element to be considered was the certainty of the punishment, and that it was of little consequence whether the hard labour imposed should be required to be done in this country or abroad. A considerable discretion as to that might be safely left in the hands of the executive.

MR. PULLER said, he was reminded of a letter of King Charles II. to Lord Chancellor Clarendon, in these terms:—

> "As for Sir Harry Vane, if there be any honest way of getting rid of him, he is too dangerous a man to let live."

So he would say — If there were any honest way of getting rid of criminals, they were too dangerous a set of men to let remain in this country. But it must be an honest way—honest towards the criminal, and honest towards the colonists, for in dealing with this question of transportation there were two classes whose interests were entitled to particular consideration—namely, the convicts themselves and the people among whom they were to be located. We ought to endeavour to reform our criminals, but he must, at the same time admit, that he had no great faith in any system of reform, so far as related to our adult population. He felt it, however, to be the imperative duty of the Legislature to provide that criminals should not, after the expiration of their period of sentence, be placed in a position in which it would be difficult for them to abandon their evil course of life. The means of effecting their return to the paths of virtue by enabling them to enter into a population of which they constituted the great minority, as under the old system of transportation, was nevertheless evidently at present impossible, except to a limited extent, while, as far as the Colonies were concerned, it could not be denied that it was unjust to them to force a great number of criminals upon them. It was stated that the proposed law would create uncertainty as to what sentence was passed, but certainly not in a greater degree than the existing law; and it would be understood that the sentence of Penal Servitude exposed the criminal to be transported to any place beyond the seas to which the Crown might be advised to send him.

The Amendment was then *negatived* without a division.

Sir G. GREY said, he was ready to adopt the suggestion which had been made, and fix the *minimum* period of the sentence of penal servitude, in lieu of seven years' transportation, at three years instead of four years.

Mr. S. HERBERT thought it would be as well that the sentence passed should be pronounced in the alternative either in England or the Colonies as Her Majesty should direct.

Sir G. GREY said, that the alternative was expressed in the Act, but that it might be desirable when the sentence was passed to point out clearly the alternative punishment to which the criminal was liable. He would, however, consider the suggestion.

Mr. NEATE observed, that under the previous Act penal servitude did not extend to the whole period for which a prisoner was sentenced to be transported, but under this Bill the two terms were made equal. Consequently, unless the penal servitude meant by this Bill were something different from the former, the present measure would indirectly aggravate the severity of the penal code.

Clause *agreed to.* Remaining clauses *agreed to.*

House *resumed.*

Bill *reported;* as amended, to be considered on *Monday* next.

House adjourned at a quarter after Twelve o'clock till *Monday* next.

Mr. Puller

HOUSE OF LORDS,

Monday, May 18, 1857.

Minutes.] Public Bills.—1ª Dulwich College. 2ª Probates and Letters of Administration.

THE IMPROVEMENTS IN ST. JAMES'S PARK—QUESTION.

The Earl of MALMESBURY said, he wished to put a question to the noble Earl the President of the Council in reference to those alterations made in the piece of water in St. James's Park, which he had before brought under the notice of the noble Earl. Their Lordships would remember that on Friday night the noble Earl had founded his justification of those alterations principally, if not exclusively, on sanitary considerations, and he wished to know whether his noble Friend would have any objection to lay before the House any correspondence which might have taken place between the Board of Health and any other public department with respect to the sanitary condition of St. James's Park, or any official document that Board might have issued recommending such steps as those which had been taken in that quarter by Sir Benjamin Hall. It appeared from the reports published in the public press of the statement made by his noble Friend on Friday that Sir Benjamin Hall had received no authority from Parliament to carry out those changes. Now, if that right hon. Gentleman had acted in the matter on the urgent recommendation of the Board of Health, such a fact would, no doubt, furnish a partial excuse for engaging in that work without the consent of Parliament, but would afford no ground for throwing the cost of the undertaking on the national exchequer. As the sanitary laws at present stood works similar to those going on in St. James's Park, were executed throughout England at the expense of the local proprietors. In the city of Salisbury, works of a precisely similar character had been constructed out of purely local rates, which amounted to not less than two-thirds of one year's rental of that city; and, in other places, the burden had fallen very heavily on the owners of property. He did not propose to go into the argument about the recreation of the people and the adornment of the metropolis—it would be childish to suppose that he was not as much in favour of such things as anybody else—but he wished to see the expense put on the proper footing, and if, as his noble Friend, the President of the Council was reported to have said, and no doubt correctly, these alterations were necessary on sanitary grounds, the expense ought to fall on the inhabitants of the metropolis, and not on the country generally. Sir Benjamin Hall seemed to have acted in that case from the mere exercise of his own judgment, and he (the Earl of Malmesbury) should be glad to know whether any communication had taken place between the right hon. Baronet and the Treasury, in order that their Lordships might ascertain whether the Treasury had given him any authority for following the course he had adopted.

Earl GRANVILLE said, he did not think that in his address of Friday last he had put the case for those improvements on mere sanitary grounds so exclusively as his noble Friend seemed to imagine. But he certainly did say that owing to the dirty state of the water in the Park, containing as it did a great deal of offensive matter, the improvement had been thought desirable on sanitary grounds. The present Chief Commissioner of Works had formerly been President of the Board of Health, and in that capacity had become perfectly acquainted with the unwholesome condition of the lake in the Park. He consulted the Board of Health with respect to those works, and had received from that Board a recommendation that they should be carried into effect. The Treasury had also given their sanction to the undertaking; and he could have no objection to the production of the correspondence that had passed between the different officers of the Government upon the subject. As his noble Friend had, very properly, taken an economic view of that matter, he was very glad to be able to inform him that there would be effected in the supply of water to St. James's Park a saving of not less than £900 a year, which formed a sum equivalent to the interest on the whole of the expenditure that was to be incurred.

The Earl of MALMESBURY thought he knew what the noble Earl meant; he believed that when the facts came to be fully investigated it would be found that no such saving as his noble Friend had just stated could in reality be effected. He believed in fact it would be the other way.

The Earl of EGLINTON wished to know whether any similar improvements were to be made in the Serpentine?

Earl GRANVILLE said, he was not aware that any such improvements were at present in contemplation.

MESSAGE FROM THE QUEEN— MARRIAGE OF THE PRINCESS ROYAL.

A Message from The Queen, *delivered* by the Lord President, and read by the Lord Chancellor as follows:—

"Victoria R.

"Her Majesty having agreed to a Marriage proposed between the Princess Royal and His Royal Highness Prince Frederick William of Prussia, has thought fit to communicate the same to the House of Lords:

"Her Majesty is fully persuaded that this Alliance cannot but be acceptable to all Her Majesty's faithful Subjects; and the many Proofs which the Queen has received of the affectionate Attachment of this House to Her Majesty's Person and Family leave Her no Room to doubt of the ready Concurrence of this House in such Measures as may contribute to the Conclusion of the Marriage of Her eldest Daughter, and may be suitable to the Dignity of the Crown and the Honour of the Country:

"V. R."

Earl GRANVILLE: My Lords, in accordance with the invariable practice, that when a Message of this character is received from the Crown your Lordships agree to an Address in reply on the same evening, I now rise to move an Address which I am sure will meet with your Lordships' unanimous assent. Many of your Lordships have had opportunity of observing how completely Her Royal Highness the Princess Royal has fulfilled those expectations as to her life and character which were justly to be formed from the education she has received and the example which has ever been presented to her. I believe, too, that some of your Lordships have had opportunities of observing that the character, manners, and feelings of the Prince whom Her Royal Highness is about to marry are such as to promise a more than usual measure of happiness from the union. Your Lordships, I am sure, are ready to testify in every way your desire to promote the comfort and happiness of the Parents of the Princess Royal, and to contribute to whatever may reward them for the manner in which they have discharged their domestic duties and the care and attention they have bestowed on the education of their child. I do not think it necessary to trouble your Lordships with any further remarks, but will move at once—

> "That an humble Address be presented to Her Majesty, to return to Her Majesty the thanks of this House for Her most gracious communication of the intended marriage between the Princess Royal and his Royal Highness Prince Frederick William of Prussia, to express their satisfaction at the prospect of an alliance with a Prince of so illustrious a family, which they doubt not will contribute to the happiness of Her Majesty and of Her Royal Highness as well as prove conducive to the best interests of this kingdom; and to assure Her Majesty that the House will immediately proceed to the consideration of Her Majesty's gracious message in such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this House to Her Majesty, a just sense of the merits of Her Royal Highness, and a due regard to the dignity of the Royal Family and the honour of this country."

THE EARL OF DERBY: My Lords, I am sure that your Lordships will unanimously agree to the Address which has just been moved by my noble Friend. As I understand him, the Message from Her Majesty, so far as relates to the details in connection with the marriage, will have to be considered by your Lordships on some future occasion. We are therefore now only called upon to express our feeling of loyalty and attachment to Her Majesty, and the satisfaction with which you witness any event which can contribute to Her happiness and the happiness of the Royal Family. Those feelings are, I am convinced, entertained, not only by every Member of this House, but by every member of the community. It has been the good fortune of Her Majesty that her marriage, unlike Royal marriages in general, was one not founded on considerations of policy alone, but on a personal acquaintance, personal esteem, and personal attachment. I hope and believe that the same remark may be applied to that marriage to which the attention of your Lordships is now directed; and I feel assured that your Lordships can express no better wish for the future happiness and welfare of the young Princess whose marriage is about to be celebrated, than that, as she enters into wedded life under the same auspices as her illustrious mother, so in the course of it she may enjoy the same happiness, merited by the same domestic virtues. I have much pleasure in expressing my entire concurrence in the Address.

Motion *agreed to*: Address of Thanks and Concurrence Ordered, *Nemine Dissentiente*, to be presented to Her Majesty: the said Address to be presented to Her Majesty by the Lords with White Staves.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

SECOND READING.

Order of the Day for the Second Reading, read,

THE LORD CHANCELLOR, in moving the second reading of the Bill said, that as it was not many weeks since he had the honour of drawing their Lordships' attention to the subject of testamentary jurisdiction, and had on that occasion gone somewhat at length into the question, he did not now propose to go again over the same ground, but should merely point out the evils which it was proposed to remedy, and the enactments by which he trusted the remedy would be accomplished. Their Lordships were aware that it was a subject which had engaged the attention of the Parliament and the country for considerably more than a quarter of a century. When his noble and learned Friend (Lord Lyndhurst) held the Great Seal, he issued two Commissions—the Ecclesiastical Commission and the Real Property Commission. The Ecclesiastical Commission was directed to several eminent judges and divines; the Real Property Commission to eminent lawyers, presided over by the present Lord Chief Justice of the Queen's Bench, and the attention of both Commissions was directed to the unsatisfactory state of the jurisdiction in matters testamentary. The Ecclesiastical Commissioners in their Report, pointed out the enormous inconvenience which resulted from the great multitude of small jurisdictions, having authority only within very narrow limits, and recommended the sweeping away all smaller jurisdictions and concentrating the jurisdiction in the two Prerogative Courts of Canterbury and York. But with the exception of that change, they would have left the administration of the law, in reference to probates, pretty much as they found it. The Real Property Commissioners took a different view. They thought that the non-contentious jurisdiction, which formed much the larger portion of the whole, should be concentrated in one office instead of being dispersed over a great number, and that the contentious jurisdiction should be referred to the Court of Chancery. The Reports of these Commissions were made, the one in 1832, and the other in 1833. It might be asked why nothing had been done at that time for the purpose of carrying out the recommendations of one or the other Commission. The fact, no doubt was to be attributed to the fact, that more pressing and engrossing subjects—the Reform Bill, the Poor Law Bill, the Tithe Commutation Bill, the Municipal Reform Bill—then occupied the public mind, and the attention of the Government, and rendered it impossible effectually to introduce a measure at the same time upon the not less difficult subject of testamentary jurisdiction. But in 1835 and 1837 Bills having reference to this subject were introduced, one by his noble and learned Friend (Lord Campbell) another by the late Lord Cottenham, and another by the present Lord Chief Baron Pollock, then Attorney General; but they were merely laid on the table for consideration, and led to no practical result of any kind. As time rolled on, the subject was continually renewed without any practical effect; and in 1843 an attempt was made to put an end to these annual discussions by his noble and learned Friend (Lord Lyndhurst) who introduced a measure upon the subject. That Bill never became law. In the following Session a Bill, not exactly the same, but founded on very much the same principles, was introduced by Sir John Nicholl, then Judge Advocate. That Bill did not pass through the other House of Parliament—at all events, it never became law. In 1845 Lord Cottenham, who did not then hold the great seal, introduced a measure of his own, which passed through their Lordships' House, and was sent to the Commons; but it never got beyond the first reading. In 1846, and during the time Lord Cottenham held the Great Seal, the reform of testamentary jurisdiction was not attempted. The matter remained quiescent during his tenure of office. Reforms had during that time been attempted, and some of them were effected in other branches of the Ecclesiastical Courts, but no attempt was made to grapple with the question of testamentary jurisdiction. In 1850, Lord Truro issued a Commission to distinguished lawyers to inquire into the state of the Court of Chancery. He made a Report which led to the adoption of many amendments still in force in the practice of that Court. In 1852, when Lord St. Leonard's received the Great Seal, he added the names of several persons intimately connected and familiar with the practice and proceedings of the Ecclesiastical Courts—Dr. Lushington, Sir John Dodson, the Queen's Advocate, and Mr. Rolt—and the Commissioners were directed to look into this question of testamentary jurisdiction specifically. They made their second Report in January, 1854, and what they recommended was the establishing of a Queen's Court of Probate, that should have jurisdiction over the whole kingdom. They also recommended that there should be distinct courts throughout the country, to the number of from twenty-four to thirty; that the Probate Courts should have the exclusive power of granting probate, both of real and personal estate; that there should be an Accountant General of the court, who should be also the Accountant General of the Court of Chancery; and that there should be an appeal to the Court of Chancery, and from the Court of Chancery to the House of Lords, or direct to the House of Lords. He (the Lord Chancellor) thought it his duty to submit a Bill, framed to embrace those recommendations, soon after the Commissioners had made their Report. The Bill received great consideration in a Select Committee, and on the suggestion of Lord St. Leonards all the provisions connected with real estate were struck out, and the Bill made to apply to personal estate only. The Bill underwent minor alterations, but that was the principal change it received in Committee, and with that change it received the assent of their Lordships' House. The Bill went down to the other House, but there shared the fate of others which had preceded it, in consequence probably of the opposition of a powerful body dispersed over the country, who considered that the measure would prejudicially affect their interests. Another Bill was introduced into the House of Commons in 1855, which adopted part of the machinery of the Bill which went down from this House. The Commissioners, it would be remembered, recommended that the Court of Probate should be connected with the Court of Chancery. They proposed not that it should form absolutely a part of the Court of Chancery, but that there should be an appeal from it to the Court of Chancery, and that the Accountant General should be the same for both those courts.

But it appeared that a difference of opinion had prevailed among the Commissioners as to whether they ought or ought not to adopt the recommendations of the Real Property Commission which had conducted their inquiries some twenty years before, that the contentious business should be entirely transferred to the Court of Chancery. In favour of that course it was argued that the Court of Chancery, being the court whose province it was to construe the meaning of the language used in a great number of wills, it was extremely convenient that the same court should also be the court to decide whether the document did or did not constitute the will. Only a minority of the Commissioners, however, recommended that course; there were three dissentients, and they thought the proper course would be to make it an integral part of the Court of Chancery. In his (the Lord Chancellor's) Bill of 1854, he had taken the view of the dissentients, and proposed to make the contentious business an integral part of the business of the Court of Chancery; and though he had since receded from that view, he could not say that the dissentient minority in that Commission had not the greater weight of argument on their side. He found, however, that proposal was distasteful to the other House of Parliament and the country generally, and that it would be hopeless to connect this Court of Probate with the Court of Chancery, however desirable some might think such a connection to be. A Bill was introduced in 1855, and again in 1856, into the House of Commons by his learned Friend the Attorney General. The Bill of 1856 was not founded upon the notion of making the Court of Probate part of the Court of Chancery, but it gave to the new Court of Probate the functions of the Court of Chancery in the interpretation and construction of wills. That Bill, however, was not very cordially received in the House of Commons, and he must confess that it did not appear to him a very successful or useful mode of dealing with the subject. The Bill did not reach their Lordships' House. He in consequence thought the best course would be to introduce a Bill again into their Lordships' House, free from what appeared to be the vices of the former Bill. In the last Session of Parliament, therefore, he introduced a Bill in which his object was to dissever this new court altogether from the Court of Chancery; but he thought it would be better to make one of the Vice Chancellors the Judge of the new court; and the Bill contained a provision for carrying into effect that suggestion. That proposition he made because he considered that there would be very little for the Judge of the Probate Court to do; and therefore that it would be better that the duties of that court, which would be for the most part of a formal nature, performed by a Judge from another court, than that you should establish or retain a court for the discharge of duties which might be adequately performed without such a machinery. After the Bill had been read a second time he went through it again, in order the more completely to dissever the new court from the Court of Chancery; but the dissolution taking place about that time, nothing more was done with that Bill, and with the close of the Parliament it fell, with all other Bills then before Parliament, to the ground. It therefore became his duty to re-introduce the measure, which, on his Motion, their Lordships read a first time last week, and which he should now ask them to read a second time. In the present Bill he proposed that the present Judge of the Prerogative Court should be the first Judge of the new Court of Probate. The learned Judge of that court was now paid by fees, which was the most objectionable mode of remunerating a Judge for his services, and most unbecoming for a Judge appointed by Her Majesty. He (the Lord Chancellor) therefore proposed, by the Bill now under consideration, to give the Judge of the new Court of Probate a salary of £4,000, which was about the amount he now received by fees. That was also the salary of the Judge of the Court of Admiralty: and as that Judge would receive a retiring allowance of £2,000 a year, he (the Lord Chancellor) proposed to award the Judge of the new Court of Probate a retiring allowance of the same amount. There would be in his (the Lord Chancellor's) opinion, but little work for such a Judge to do, inasmuch as disputed matters of fact would have to be determined by juries. The most satisfactory course would be to have such matters in dispute brought under the cognizance of juries in the common law courts, and such an arrangement as that would necessarily leave the duties of the Judge of the new court extremely small. Indeed, he had thought at one time that no Judge would be necessary; but having had the suggestion forced upon him, as it were, that the Judge of the Prerogative Court should be the Judge of the new court, he meant to propose—but not in the present Bill—that the same Judge should also be the Judge of the new Matrimonial and Divorce Court. He proposed, also, that the course of procedure in the new court should be altogether altered. He proposed that the whole should be done by *vivâ voce* evidence, just as it was or might be done in the Court of Chancery. Of course, each person might state his case, if he chose to do so, by affidavit, but subject to an examination *vivâ voce* by any person interested. He did not feel that he should be justified in concealing from their Lordships his belief that the new court, even with the addition of the matrimonial and divorce business, would not be adequately employed. Twenty years ago a Committee of the House of Commons was appointed to inquire into this subject, and his right hon. Friend the present Judge of the Admiralty Court, Dr. Lushington, then gave it as his opinion before that Committee that the whole Admiralty, testamentary, and matrimonial business might be perfectly well discharged by one Judge. He (the Lord Chancellor) did not think that the lapse of twenty years had produced such a change in any department of that business as to render that opinion of his right hon. Friend Dr. Lushington inapplicable to the present day. On that point, however, he had thought fit to consult Dr. Lushington, and his right hon. friend had told him that, though independently of the war, which was now at an end, the business of the Admiralty Court had increased materially, he was far from satisfied that the evidence he gave twenty years ago might not be repeated now, and that the same Judge might not well discharge all the duties of Admiralty, Matrimonial, and Probate Courts. He (the Lord Chancellor), however, did not on that point rely alone on his right hon. friend Dr. Lushington, but there was one circumstance which assured him of the probable accuracy of that opinion. There was but one chamber in Doctors' Commons in which the business of all the courts there—namely, the Admiralty, the Arches, the Prerogative, and the Consistory — was transacted, and that court was found ample enough for the sittings of them all. They did not altogether, in fact, sit more or not many more days than the Court of Chancery. Taking that fact in connection with what was stated to him, as the result of the experience of so eminent a Judge as Dr. Lushington, he thought he was justified in stating that the probability was that one Judge would be sufficient to discharge all the duties of the new court. He therefore proposed that on any vacancy occurring in the office of Judge of the Court of Admiralty it should be lawful for the Queen to appoint the Judge of the Probate Court to be also the Judge of the Court of Admiralty. When the office of Judge of the Admiralty Court, who was now also Judge of the Consistory Court, was abolished, it was reasonable, he thought, that the Judge of the Court of Probate should be placed upon the same footing as to salary with the Judges in Westminster Hall, and should receive £5,000 a year. He proposed then, that in the first instance the present Judge of the Prerogative Court should be the Judge of the Court of Probate, and that power should be given to Her Majesty, when the office of Judge of the Admiralty became vacant, to appoint the Judge of the Court of Probate to be Judge of the Court of Admiralty; or, on the other hand, if the office of Judge of the Court of Probate should first become vacant, to appoint the Judge of the Court of Admiralty—but not without his consent—to be Judge of the Court of Probate, and that thenceforward the two offices should be united in the same person; and that such Judge should then be placed on the same footing as regarded salary and retiring pension as the Judges at Westminster. He proposed, as he had already stated, that evidence should be taken in the new Court *vivâ voce*, that the rules of evidence as to all questions of fact adopted in the Common Law Courts should be acted upon in the Probate Court, and that all questions of disputed facts should be tried by a jury, unless the parties to the proceedings wished otherwise. He proposed that to this court all contentious questions of probate should be referred, whether they related to the sanity of testators, to the revocation of wills, or to their due execution. There might, however, be cases where the property was of very small value, which might reasonably be referred to the decision of the County Court Judges. He would recommend that, where property was sworn under £200 personalty, and £300 realty, the Judges of County Courts should be entitled to try questions as to whether the testators were of sane mind, and whether the wills had been duly executed; and that the finding of such Judges should be conclusive. They had still to consider, however, what course should be taken with regard to probates of wills of persons in the country, which, though not relating to very small amounts, did not deal with considerable property. At present, if all the property of a person was in a particular diocese—for instance, that of Lincoln or Norwich—it was only necessary to prove the will in that diocese whatever might be the amount of the testator's property; but if he held property to the value of £5 out of that particular diocese the probate was altogether void. That anomaly he (the Lord Chancellor) proposed to remedy, and to provide a means of enabling persons to prove wills which did not involve very large amounts in the various dioceses. With this object he proposed the establishment of districts. The last Commission recommended the formation of thirty districts; but when the subject was considered in 1856, persons who were acquainted with the requirements of the various localities recommended that thirty-six or thirty-seven districts should be established; and upon that suggestion he had acted, taking care that the districts should, as far as was practicable, coincide with the existing diocesan districts. Of course, for this purpose the registrars would be the officers of the Court of Probate, and not of the Ecclesiastical Courts. He proposed, as far as possible, to retain the present registrars. He did not propose, however, that these district registrars should possess any contentious jurisdiction whatever, for it was impossible that they could exercise such jurisdiction satisfactorily. They were not attended by any bar, and, although many of them might be gentlemen who were competent to decide contested legal questions, that was not the general character of such officers. He proposed, therefore, that the registrars should have power to grant probate only in cases where there was no contest, and also only when it was sworn that the testators died within the limits of the districts, and that their property was below the value of £1,500. Under the existing system, as he had said, if a will was proved in a particular diocese, and the testator possessed property out of that diocese, such probate was absolutely void. If there was any property in a particular diocese, and, nevertheless, the will was proved in the Prerogative Court, such will was not absolutely void, but was voidable. This seemed to him a very anomalous state of things, and he therefore proposed that any persons who chose might prove wills in the London court, whether the testators died in the country or not. He also proposed that every month there should be remitted to the London court from each of the provincial districts a list of all the wills proved in such districts, together with a copy of each will, which should be kept under proper direction in the Probate Court of London, so that any person might at any time see a copy of the original will wherever it had been proved. It was most important, with reference to the transfer of property, that persons should be enabled to ascertain to what charges it was liable, and if a person died who possessed property which was dispersed over different districts, it might be necessary to institute a search in numerous places—a proceeding attended with considerable inconvenience and expense. He further proposed, in compliance with what he found to be a very general feeling, that the original wills should be left in the respective districts, and that copies only should be transmitted to London. He did not propose, however, that copies of the wills proved in London should be sent to the provincial districts; but he would provide that at certain stated periods lists of all the wills proved in London, with the names of the testators, the executors, and such other particulars as experience might suggest, should be printed, with proper indices, and transmitted to all the district registrars, and to certain places where they might be conveniently consulted. The consequence would be that in London persons might see copies of all the wills which had been proved anywhere in the country, and in the districts they could see all the wills proved in each district, and lists of those which had been proved elsewhere. This arrangement would, he thought, afford as great facilities for consulting wills as the public could require. The Bill would contain another provision which, although not precisely germane to the question of proving wills, would, he believed, be found of great advantage. It frequently happened that, upon a person's death, his surviving relatives did not know where to look for his will. It might not be discovered among his papers; he might have changed his solicitor; and much difficulty often resulted from this uncertainty. He (the Lord Chancellor) proposed that at the Probate Office in London there should be a department in which all persons who thought fit to do so might deposit their wills, so that at their deaths their surviving relatives might have no difficulty in knowing where to find them. He would not refer to some other details of the measure, which might be more conveniently considered in Committee, but he might observe that a complaint had been made that in the first measure he had brought forward on this subject he had proposed that probate should be extended to real as well as to personal estates. It was true that, in conformity with the recommendation of the Commissioners, he had made such a proposal in the Bill of 1854, but not in the Bill of last Session. That proposal was discussed most ably and at very great length in the Select Committee to which the measure was referred by their Lordships. He then stated—what he did not hesitate now to repeat—that he was satisfied the recommendation of the Commissioners would be rather injurious than beneficial. It might be said, "If you have probate as to personal estate, why not require probate for real estate?" but there were substantial—not technical—differences between real and personal estate. With regard to personal estate, it might be distributed all over the world, and there must be some one to represent the testator in person—some one who was entitled to sue for and recover all that the testator, had he been alive, might have sued for and recovered. Personal property was, so to speak, infinite; it was dispersed all over the world; and the inconvenience would be very great if there was not a person to stand in the shoes of the deceased. The same necessity, however, did not exist with regard to real estate. A great *millionaire* might have half-a-dozen real estates, but that was an exceptional case, few persons, even among the wealthy classes, having more than one or two real estates; and there was no difficulty in the persons to whom real estates devolved entering on the possession without the instrumentality of any third person at all. It was true that by recent legislation real estate, after the exhaustion of the personal estate, was made subject to the payment of debts; but that was not an ordinary condition of real estates; and to impose on the devisee of a real estate the necessity of having it always proved, for the sake of an imaginary symmetry, would, he believed, be imposing on real property an unnecessary burden. Therefore the present measure, like the previous one, did not propose any enactment of that sort. There had been cases, however, though not certainly of frequent occurrence, which had presented an anomaly revolting to the minds of those who looked at this subject theoretically. Supposing the Court which had to decide on the validity of wills decided that a will, disposing of real and personal estate, was good because the testator was sane, the heir-at-law might still dispute that the testator was sane, and bring an ejectment to recover the real estate. That was a course which he had a perfect right to pursue, and, in point of fact, there were cases in which this anomaly had occurred, that the very same instrument had been, in a suit respecting the personal estate, decided to be the instrument of a sane person, and, in a suit respecting the real estate, had been decided to be the instrument of an insane person. It appeared to him that, without making probate necessary as a preliminary for succession to real estate, this evil might be met by a provision he proposed in the Bill of last Session, and which he renewed in the present Bill. He proposed, whenever there was a contest as to the validity of a will, on the ground that the testator was insane, or that the will had not been executed with due formality, that the Court should cite not only those who were interested in contesting the validity of the will as to personal estate, but likewise those interested in the real estate, so that that which was substantially the same question as to both should be decided once for all. He was aware that in making this provision he should encounter the opposition of a noble and learned Lord not now present (Lord St. Leonards), who thought that the evil of connecting probate with real estate would more than counterbalance the advantage. On that point it was for their Lordships to decide. The Bill was so framed that the provision was not essential to it; but he could not but think that it would be a blot on the legislation of the country if they did not remove an anomaly which was so easily remedied. There was another minor provision which he was desirous of explaining to their Lordships. At present, whenever it was necessary to prove a devise in the Common Law Courts or the Chancery Courts, the original will must be produced. This was often an expensive proceeding, and was frequently only a matter of form. He proposed that whenever a lawsuit was going on in which it was necessary to give evidence of the devise of the real estate, notice might be given by one party to the other side that he meant to rely on the probate, and that that should be *primâ facie* evidence of the devise, unless notice was given by the other side that the original will must be produced. In such case it should be in the discretion of the Judge to decide which party should bear the costs of the production of the original will. He thought that this would be a useful modification of the present law. He also proposed in the present Bill an alteration in the matter of appeal. He proposed in the Bill of last Session that the appeal from the decisions of the Court of Probate should be to the Lords Justices of Appeal, and thence to the House of Lords, or *per saltum* to their Lordships' House; but in deference to the feeling that that would prove a costly proceeding, he now proposed that the appeal should be to the Judicial Committee of the Privy Council. He confessed he thought the other course the best; but he made the alteration, as it appeared that no proposition connected in word or name with the Court of Chancery would have any chance of success. Another question was that of compensation. As several persons would necessarily be deprived of office under the present Bill, he proposed that they should be compensated, unless they should be appointed to corresponding offices under the new arrangement. All these reforms were to a certain extent costly as to compensation, but he believed that, on the whole, the granting of compensation was just and expedient, for there was a strong feeling against making reforms at the expense of individuals. Their Lordships were aware that about twenty years ago an Act was passed declaring that if any person obtained office in any ecclesiastical court, with the exception of the Prerogative Court, after the passing of that Act, he should not be entitled to compensation. That Act was renewed from year to year, and in 1847 it was renewed without making any exception of the Prerogative Court. What, then, was to be done in reference to those numerous persons who had accepted office since the passing of those Acts? He thought that it would be very unfair to treat those persons as having no right to any compensation. It was the practice of the Legislature, when it deprived a person of an office he held for life, to give him, by way of compensation, the full amount of his emolument; and, when the person who was removed from an office had held it on the tenure of being removable at pleasure, it was the practice to grant him a reasonable compensation in respect to the duties he had performed. He, therefore, proposed, notwithstanding those Acts of Parliament, that compensation should be given to these persons on the footing of persons who held office removable at pleasure. In dealing with persons in this situation, who had devoted themselves for many years to the discharge of their duties, to remove them without some compensation would be extremely hard, and he believed such a course would not be in conformity with the practice of Parliament or the feelings of the country, and therefore he proposed to give them compensation on the principle he had stated. He proposed that every officer should be paid a salary except the district registrars. It was impossible to fix a salary for them, because the districts would differ so immensely, and what would be the services to be rendered could not be told beforehand. He proposed that their remuneration should continue to be made, as it had heretofore been without complaint, by fees. With respect to fees to be taken by the officers of the court and by officers of County Courts a table was to be made out by the Judge of the Court, assisted by the Lord Chancellor and a Judge of the Common Law Courts, calculated to meet the expenses of the Act. Though the Government were willing that the Consolidated Fund should guarantee the payment of salaries and compensations, they did not think that any part of the expenses connected with the probate of wills should be thrown on the public. The fees, therefore, would be varied from time to time, so as to meet the whole expenses of the court. There had often been a discussion in that House as to the manner in which the privileged practitioners in the Prerogative Court should be dealt with—he alluded to the proctors. It was very difficult to admit that the members of an entire profession could have a right to compensation in consequence of an improvement in the law, and he did not believe that the public would tolerate such a thing as the compensation during life of a whole profession. He thought, therefore, that the most rational course to adopt was to retain those practitioners, without letting in other practitioners, unless it should be found necessary, providing at the same time against exorbitant charges by fixing their fees by authority and by subjecting their costs to taxation, as in the courts of common law. There was no reason why the proctors should not receive adequate and handsome remuneration for the services which they performed, but he thought it desirable that their fees should be regulated in the manner that he had pointed out. In the Bill of 1854 he proposed that the proctors should be continued for a limited number of years; but he now saw no necessity for letting in any other class of practitioners, and he proposed, in conformity with the recommendation of the Commissioners and with two petitions which had been presented by Lord Overstone—one from upwards of a hundred of the first merchants in London, and another from an equal number of the most respectable firms of solicitors—to continue the proctors as at present. Having thus briefly stated the outline of the measure, and expressed his readiness to discuss the details in Committee, the noble and learned Lord concluded by moving that the Bill be now read 2ª.

THE BISHOP OF BANGOR was understood to state that all the objections which he had entertained against the Bill when it was first introduced remained in full force, and to complain that, contrary to the recommendation of the Commissioners, a clause had been smuggled into it for transferring the business of the diocesan courts to the provincial courts. He believed that the measure was calculated to produce a great deal of expense and unhappiness throughout the country, and thought that, if existing courts were improved, and were properly conducted, there would be no necessity for such a measure.

THE BISHOP OF LONDON said, that it was not the intention of his right rev. Friends to place any difficulty in the way of the passing of this Bill, and he trusted that they would always be found ready to concur in any measure which was likely to conduce to the public good. There was one point, however, which in their opinion deserved to be considered in Committee, and it was this—there were certain very important functions performed by the officers of the existing courts—the registrars and the chancellors—for whom, as the Bill at present stood, no remuneration would be made; and, as this was a matter affecting the public service, it was thought that their Lordships would not wish that officers performing important public duties should be unremunerated. Abundant provisions were made in the Bill for secretaries and others to be appointed by the learned Judges who were to preside, but there were certain duties intimately connected with the episcopal office, and with the welfare of the Church, which would hereafter have no remuneration. It was the desire of his right rev. Brethren that this matter should be considered in Committee, in order that the persons who still continued to perform those important public functions should, if possible, be so remunerated that the Bishops might retain in those offices persons who were fully competent to discharge the duties, and who would obtain the confidence of the country.

LORD CAMPBELL said, that he should give his cordial support to the second reading of the Bill. Last Session objections were taken to several parts of the scheme of his noble and learned Friend, and he had himself been desperately afraid that a disputed probate would involve individuals in an interminable Chancery suit. He rejoiced, however, to find that his noble and learned Friend now avoided the very appearance of approaching the Court of Chancery, and this, he thought, was a most wise resolution. It seemed to him that the Court of Probate, according to this Bill, would be established in a most satisfactory manner, and that the country might now at last hope to see the objects which had so long been in view well accomplished. There were details in the Bill which would be better discussed in Committee; and a good many of the proposals regarding procedure would probably require consideration. But there was one point which, as he conceived, touched the dignity of his brother Judges in the Common Law Courts, and to which he could not help alluding. It was proposed that this new Judge of the Court of Probate, for whom he had a most sincere respect, should take precedence immediately after the Vice Chancellor, and therefore before all the puisne Judges of the Common Law Courts. Now he thought this ought not to be. The new Judge was ultimately to receive £5,000, the same salary as the puisne Judges, and he considered it would be no disparagement to him if he took precedence among the puisne Judges according to seniority.

Motion *agreed to*; Bill read 2° accordingly, and *committed* to a Committee of the Whole House on Friday next.

POSTAL COMMUNICATION BETWEEN HOLYHEAD AND DUBLIN—QUESTION.

VISCOUNT DUNGANNON asked the noble Duke the Postmaster General whether any final arrangements had been made by the Government with the Dublin Steam Packet Company, relative to the postal and passenger communication between Holyhead and Kingstown; what was the nature of such arrangements; and how soon they were likely to be carried into effect? He thought it essential that the steamers should be of larger size than those at present employed.

THE DUKE OF ARGYLL said, it was natural that noble Lords connected with Ireland should take a deep interest in this subject. He was happy to inform the House that another and an amended proposal had been made by the Government to the Company about a week ago, with a view of securing a more rapid communication between London and Dublin. No answer had yet been returned by the Company, and he, therefore, thought it inexpedient to enter into details of the proposed arrangement. Suffice it to say, the Government was anxious to do all in its power to remedy the inconvenience complained of; but on some of those points the greatest difficulty had arisen. He must point out to the House that it undoubtedly tended to encourage companies in making undue demands when they heard it stated by Members of both Houses of Parliament that considerations of economy were of no moment on questions of this kind. They naturally expected that the pressure of the Irish Members would secure them a larger amount of public money than was due to them, and this much increased the difficulties of the Government in dealing with them.

THE MARQUESS OF CLANRICARDE said, he did not object to economy, but he looked on the subject in question as so important, that economy was scarcely a consideration. It was not a mere question of carrying the mails, but of facilitating intercourse between the two countries. He trusted, therefore, that his noble Friend would not take the Parliamentary view of the subject, but the more extended national one. Moreover, the matter was scarcely one of economy, because when the Government did it some ten years since without the aid of any company, it was done infinitely better. The average passage of the *Llewellyn* on the Holyhead station in 418 trips was four hours and eleven minutes, and the *Banshee* four hours and seven minutes, for that which now took four hours and a half. What was wanted was, that not only should letters go quicker, but that there should be plentiful personal accommodation for the passenger public.

EARL FITZWILLIAM bore testimony to the inconvenience of the boats now employed, as regarded the hours of starting.

VISCOUNT DUNGANNON said a few words in reply. Speedy communication between London and Dublin was all-important, and the public had a right to expect it.

THE MARQUESS OF CLANRICARDE complained of the inconvenient manner in which passengers were landed on the quay at Kingstown. This was done nearly in the dark, and amidst the utmost confusion. This might be remedied by a very little extra expense.

THE DUKE OF ARGYLL said, this rested entirely with the companies; but it was part of the proposed arrangements that jetties should be provided. The mail packets, of necessity, left and arrived at a certain hour, without reference to the convenience of passengers, which was, however, considered as far as possible. It was probable that the whole correspondence would soon be laid before the House.

House adjourned at Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 18, 1857.

MINUTE.] PUBLIC BILL.—2° Bankruptcy and Insolvency (Ireland).

THE ARMY ESTIMATES—QUESTION.

SIR JOHN RAMSDEN laid the Army Estimates on the table of the House.

SIR DE LACY EVANS said, that it would be very convenient to the House if it could be informed what day the Army Estimates would be moved—whether this week or not?

THE CHANCELLOR OF THE EXCHEQUER replied, that they would not be introduced until after the Navy Estimates had been disposed of.

DULWICH COLLEGE—QUESTION.

MR. T. DUNCOMBE asked whether it was the intention of the Charity Commissioners to introduce a Bill this Session for the alteration of Dulwich College?

MR. BAINES said, it was the intention of the Government to introduce a Bill for the purpose of giving effect to a scheme drawn up by the Charity Commissioners with regard to the future regulation of Dulwich College. It would be introduced in the other House by the Lord Chancellor, and he understood that the noble and learned Lord intended to move the first reading this evening.

SPECIALTY AND SIMPLE CONTRACT DEBTS.

MR. G. CLIVE asked the Attorney General whether it was the intention of the Government to introduce any measure to abolish the distinction between different classes of debts.

THE ATTORNEY GENERAL said, he had long been anxious to see the distinction now existing between specialty and simple contract debts done away with in the administration of the property of deceased persons. It was a distinction that prevailed in law but not in equity, so that if a man died possessed of £20,000 absolutely, his estate was administered subject to a preference in favour of specialty creditors; but if the money stood in the names of trustees, it would be distributed in quite a different manner. That was an exceedingly mischievous state of things, and he trusted that, immediately after the Whitsuntide recess a measure would be brought forward to correct that and some other anomalies of a similar nature.

LUNATIC ASYLUMS (IRELAND)
QUESTION.

MR. BEAMISH inquired of the Attorney General for Ireland when the Report of the Commissioners appointed to inquire into the expenditure upon the Lunatic Asylums (Ireland) might be expected to be laid upon the table of the House.

MR. J. D. FITZGERALD replied, that in consequence of the large quantity of business before the Commissioners he saw no possibility of obtaining a Report in time for any useful purposes this Session.

VICTORIA CROSS—QUESTION.

MAJOR KNOX asked the Under Secretary for War whether there was any objection to publish a list of officers and men whose names had been sent in by their respective commanding officers to the authorities for the honour of the Victoria cross, but who have not been selected for that distinguished honour?

SIR JOHN RAMSDEN thought that it would not be desirable to publish such a list, for reasons to which the hon. and gallant Member, on consideration, would have no difficulty in agreeing as satisfactory. The commanding officers were desired to send in the names of the non-commissioned officers and privates who had performed such signal acts of gallantry as, in their opinion, would justify a claim to the Victoria cross. As might naturally have been expected in so gallant an army, the list sent in was very long and the task of selection very difficult, the number sent in as deserving the decoration being so very great in comparison with the number who could be admitted to the honour; and it had never been the intention of the Government to publish the names of any except those who actually obtained the honour. And though such a publication might be very satisfactory to those whose names were in it, yet such a course would have been invidious, and considerable dissatisfaction would be caused, and great disappointment felt by many brave and gallant men who were not less deserving but more unfortunate than their comrades. The object of the Government was to confer the greatest amount of honour with the smallest amount of disappointment. It was desirable, therefore, not to raise a second time the question of who were the most deserving among those brave and gallant men, and he hoped that the hon. and gallant Member would not press for the publication of the list.

DISEASES OF THE ARMY IN THE CRIMEA—QUESTION.

MR. BAXTER asked the Under Secretary for War if the Report on the Pathology of the Diseases of the Army in the East, by Dr. Aitken and Dr. Lyons, had been printed, and if he had any objection to lay it on the table of the House?

SIR JOHN RAMSDEN said, that the Report referred to had been printed by the War Department, and there would be no objection to lay it on the table of the House if the hon. Member would move for it.

ENDOWED SCHOOLS (IRELAND).

QUESTION.

MR. WALDRON asked the Attorney General for Ireland when the Report of the Commissioners of Inquiry into the state of Endowed Schools in Ireland would be laid on the table of the House?

MR. J. D. FITZGERALD said, that the Commissioners had made great progress in the preparation of the Report, but in consequence of the illness of one of the Commissioners, Dr. Greaves, there had been great delay, and he did not expect to receive it during the present Session.

MESSAGE FROM THE QUEEN— MARRIAGE OF THE PRINCESS ROYAL.

VISCOUNT PALMERSTON appeared at the Bar, and being called upon by Mr. SPEAKER, in the usual manner announced a Message from THE QUEEN.

Message from HER MAJESTY *brought up*, and read by Mr. SPEAKER (all the Members being uncovered), as follows :—

"VICTORIA R.

"HER MAJESTY, having agreed to a Marriage proposed between the Princess Royal and His Royal Highness Prince Frederic William of Prussia, has thought fit to communicate the same to the House of Commons.

"HER MAJESTY is fully persuaded that this Alliance cannot but be acceptable to all Her Majesty's faithful Subjects; and the many proofs which The Queen has received of the affectionate attachment of this House to Her Majesty's Person and Family leave Her no room to doubt of the concurrence and assistance of this House in enabling Her to make such a provision for Her eldest daughter, with a view to the said Marriage, as may be suitable to the dignity of the Crown and the honour of the Country.

"V. R."

VISCOUNT PALMERSTON: I am sure that this House will be desirous of taking the earliest opportunity of assuring Her Majesty of the deep sympathy which this House feels in an event so interesting to Her Majesty, and I may say so interesting to the country also; and that, without pledging any person in this House as to the details of the manner in which this House may be prepared to answer the appeal which has been made by Her Majesty, at least we will lose no time in assuring her that we will on an early day take into respectful consideration the Message with which she has this day honoured this House. Sir, the Address which I am about to propose has that object in view. At the same time I cannot refrain from saying, that those who have had the good fortune to be acquainted with the Princess Royal must have observed that she possesses, both in heart and in head, those distinguished qualities which adorn her illustrious parents, and that she bids fair to hold out in the country of her adoption a repetition of that brilliant example of domestic happiness which her illustrious parents have shown in this country—a model worthy of imitation alike by the most exalted and by the humblest of their subjects. Sir, it is impossible not to see that this marriage, independently of the prospect of happiness which it offers to Her Royal Highness from the high qualities of the Prince whom she has selected as her future husband, holds out to this country political prospects not undeserving of the attention of this House. We all know how family alliances tend to mitigate those asperities, which from time to time must be produced by those diversities of policy which must inevitably arise occasionally between great and independent Powers; and I trust that this marriage may be considered as holding out an increased prospect of cordiality and good-will among the great Powers of Europe. Sir, I shall not further trespass upon the House on the present occasion. On Friday next we propose to submit to the House the arrangement which we think fitting for Her Royal Highness, and I shall now merely propose the adoption of an Address, assuring Her Majesty of the loyal attachment of this House to her person and Throne, and that we shall at an early period take into consideration the Message which she has so graciously addressed to us. The noble Viscount concluded by *moving*—

"That an humble Address be presented to Her Majesty, to return to Her Majesty the Thanks of this House for her most Gracious Communication of the intended Marriage between the Princess Royal and his Royal Highness Prince Frederic William of Prussia; to express their satisfaction at the prospect of an alliance with a Prince of so illustrious a family, which they doubt not will contribute to the happiness of Her Majesty and of Her Royal Highness, as well as prove conducive to the best interests of this Kingdom; and to assure Her Majesty that the House will immediately proceed to the consideration of Her Majesty's Gracious Message in such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this House to Her Majesty, a just sense of the virtues and merit of Her Royal Highness, and a due regard to the dignity of the Royal Family and the honour of this Country."

MR. DISRAELI: I have the honour to second the Address which has been moved by the noble Lord, and which, I am sure, is a faithful representation of the feelings of the House. All of us, I am sure, must be sensible of the gratification which the announcement made by Her Majesty this day is calculated to impart to her subjects. All of us must join in the fervent hope and in the full belief that the alliance, which has been intimated, will contribute to the happiness of Her Majesty; and I am sure that we are all prepared to consider, in a becoming spirit and at the proper opportunity, the means by which it may be in our power to accomplish Her Majesty's wishes.

Resolved, Nemine Contradicente, "That an humble Address be presented to Her Majesty, to return Her Majesty the Thanks of this House for Her Most Gracious Communication of the intended Marriage between the Princess Royal and His Royal Highness Prince Frederic William of Prussia; to express their satisfaction at the prospect of an alliance with a Prince of so illustrious a family, which they doubt not will contribute to the happiness of Her Majesty and of Her Royal Highness, as well as prove conducive to the best interests of this Kingdom; and to assure Her Majesty that the House will immediately proceed to the consideration of Her Majesty's Gracious Message, in such a manner as shall demonstrate the zeal, duty, and affectionate attachment of this House to Her Majesty, a just sense of the virtues and merits of Her Royal Highness, and a due regard to the dignity of the Royal Family, and the honour of this Country."

To be presented by Privy Councillors.

Committee on Message on *Friday.*

ASCENSION DAY—QUESTION.

SIR JOHN PAKINGTON asked the noble Lord at the head of the Government whether he would have any objection to making an order, as was done last year, that on Ascension Day the Committees of the House should not sit until Two o'clock.

VISCOUNT PALMERSTON immediately moved the adoption of an order similar to that of last year, and it was unanimously agreed to.

THE PERSIAN WAR—QUESTION.

MR. WISE asked the noble Lord at the head of the Government "whether there was any prospect of the papers relating to the war with Persia being laid upon the table of the House."

MR. BAILLIE asked "whether these papers when presented would contain the despatches of Lord Stratford de Redcliffe relating to the proposals made by Ferukh Khan at Constantinople before the commencement of the war."

VISCOUNT PALMERSTON: We have reason to hope that the ratifications of the treaty with Persia will at an early period be exchanged. Until that is done, of course, no papers can be laid upon the table; but we shall then produce such papers as we think calculated to put the House in possession of the information necessary to enable it to form an opinion upon the war.

MR. BAILLIE: The noble Lord has not answered my question. I again ask whether the despatches of Lord Stratford de Redcliffe will be laid on the table.

VISCOUNT PALMERSTON: I can at present give no answer to that question.

On the Motion "That Mr. Speaker do leave the Chair for the House to go into Committee of Supply,"

EDUCATION OF OFFICERS OF THE ENGLISH ARMY.

SIR DE LACY EVANS said, about a year ago a Commission was appointed to inquire into the military education and institutions of the Continent, with a view to certain improvements which were contemplated in the education of officers of the English army. A day or two before the late Parliament was dissolved, he was about to move for a copy of the Report of the Commissioners, when he was informed that it was already in print, and would be circulated immediately. He had been informed that it had since been circulated among the Members of the other House, and he thought it strange that it should be in the hands of the Peers, some time before it was delivered to the Members of the House of Commons. As many persons felt deeply interested in the matter, he should be glad to hear when it would be placed in the hands of Members of that House. He hoped that there would be no further delay in the matter.

VISCOUNT PALMERSTON said, that

the subject of the education of officers had for some time occupied the serious attention of the Departments interested in considering the matter. Several proposals had been made by different persons, with a view of aiding the deliberations of the Government. These proposals led in the end to the formation of a Board, composed of military officers of merit, at the head of which was the Commander in Chief. This council was at present employed in preparing out of all the materials before them a plan to be adopted for the future education of officers. When that plan should have been matured, and the Government had decided on bringing it forward upon its own responsibility, there would be no objection to place the matter before the House, but he thought the House would not desire that the disjointed elements and materials out of which that plan was to be constructed should be brought piecemeal before them, and that the more especially when it was considered that many of those materials were the confidential suggestions which parties had volunteered for the good of the public service.

Sir DE LACY EVANS was afraid that he had not made himself understood. The Report to which he referred could not be considered confidential, for it had been circulated amongst the Members of the other House, and if so, he could not see why it should not also be placed in the hands of Members of that House.

Viscount PALMERSTON would inquire by whom it had been circulated. It might have been circulated by private parties. He was certainly not aware of anything of the kind having been put in circulation by the Government.

Mr. SIDNEY HERBERT thought, that the noble Lord and the gallant General were at cross purposes. The gallant General, as he understood, was not referring to any general plan of education for officers of the army, but to the Report of a certain Commission which had been appointed to inquire into the state of education in foreign armies, and if that report had been circulated among the Members of the other House of Parliament there was no reason why it should not be laid before Members of that House.

Viscount PALMERSTON said, if the hon. and gallant General would give him a memorandum of what he wished, and also give notice of his question, he would be better able to give him a more satisfactory answer.

Viscount Palmerston

MR. W. WILLIAMS AND THE ARMY.

OBSERVATIONS.

Colonel NORTH said, before Mr. Speaker left the chair he was anxious, seeing the hon. Member for Lambeth (Mr. W. Williams) in his place, to give him an opportunity to explain certain reflections which he had cast, not only on the military reputation, but upon the personal courage of the officers of the British army. A certain degree of importance was always attached to a speech made by a Member of that House out of doors, but that importance must be much increased when the speech containing such reflections was made by an hon. Member of that House, whom, according to his own statement, both the Queen and the Government delighted to honour — who had refused the highest honours which could be offered by the Sovereign or the Administration—a speech, therefore, which carried with it considerable authority. Now, the speech to which he wished to call the attention of the hon. Member was addressed by him to his constituents a short time ago, and like all the speeches made by him, consisted principally of an attack on the army. The hon. Member first of all attacked the highest personage in this country, for passing days and nights at the camp at Aldershot, for reviewing her troops, and for showing hospitality to her officers. According to his view, the officers of the army were the only class of Her Majesty's subjects who ought not to be honoured with her attention and kindness. But the part of his speech to which he wished particularly to call the attention of the hon. Member, and of which he hoped the hon. Member would have the frankness to give some explanation, was as follows:—

> "It was said by many, that when the late war broke out, the army was totally inefficient, and so it was, except with regard to the discipline and bravery of the soldiers, who saved the credit and honour of the country when the officers alone were incapable of discharging their duty."

That reflection contained the most severe charge which it was possible to bring against a British officer, and one which no man ought to make on light grounds. He (Colonel North) saw before him three gallant Generals—the hon. and gallant Member for Westminster, his hon. and gallant Friend the Member for Greenwich, and the distinguished veteran the hon. and gallant Member for Calne, and he would appeal to them to say from experience whether British officers were accustomed to hang back in the moment of danger. But he would rather take the verdict of the soldiers themselves. There was no feature in the late war more striking, or one which made a deeper impression on the gallant army at large, than the example which the officers showed of patient endurance under unparalleled hardships, and the way in which those boys in form, but lions in heart, led their men on the day of battle. He would read some returns which had been laid on the table, and leave the House and the country to judge whether the stigma cast by the hon. Member on the honour of our officers, and cheered by the persons whom he addressed on the occasion in question, was justified or not. The result of the four battles which were fought in the Crimea, so far as regarded officers, was this: at the battle of the Alma no less than 25 officers were killed and 81 wounded, making a total of 106; at Inkerman 43 were killed and 101 wounded, making a total of 144; at the battle of Balaklava 13 were killed and 27 wounded, total 40; on the 14th June, 89 officers were killed and wounded; and at the final assault on the Redan, 153 were killed and wounded; making a total, as regarded those four battles, of 532 officers killed and wounded, independent of the number of officers who fell in the trenches. The total number of officers who died in the Crimea, either from wounds or otherwise, was not less than 383, and of those invalided, 1,412, being a total of 1,795 officers put *hors de combat* in that short campaign. In the ranks of that army, not only were the four divisions of the kingdom—England, Scotland, Ireland, and Wales—represented, but among the officers of that army were to be found the representatives of every class of the community, from a Prince of the royal blood to the son of the humble peasant who, by gallantry and good conduct, had raised himself to the rank of an officer; and he maintained that, from his Royal Highness the Duke of Cambridge to the son of that humble peasant, there was not an officer who did not do his duty, and was not worthy of the respect and admiration of his countrymen. The hon. Gentleman had ever since he (Colonel North) had had a seat in that House, undertaken the unamiable task of endeavouring to sow the seeds of ill-will and bad feeling between the officers and men of our army. Now, he could tell the hon. Gentleman this, that in no two classes of Her Majesty's subjects —considering the differences of birth and station—a difference rendered greater by the stern but necessary laws of discipline—could there be found more good feeling and affection than that which existed between the officers and men of the British army. He could only assure the hon. Member that he who undertook the task of sowing bad feeling and dissension between them had indeed undertaken a difficult and herculean task, and one not likely to be carried out by a gentleman who never lost an opportunity of vilifying the officers, a course which was anything but agreeable to the good and well-conducted soldier—nor of speaking and voting against every measure tending to the comfort, happiness, and prosperity of the private soldier.

MR. W. WILLIAMS thought the hon. and gallant Gentleman might have put his question, which was a very simple one, to him, without having recourse to a long harangue. He (Mr. Williams) did not feel himself accountable to that hon. and gallant Gentleman, or any one else, for what he said elsewhere; but he had no hesitation in answering his question, although he had given no notice of it. He should wish, however, to know where the hon. and gallant Member had seen the statement upon which his observations had been founded, because upon that point he had given no information to the House. [Colonel NORTH: In *The Times*.] Well, be that as it might, he would venture to assert that he had never expressed an opinion with regard to our army, from the highest to the lowest, but in terms of the greatest possible respect. Indeed, in the statement to which the hon. and gallant Member had referred, it did not appear that he cast any reflection on the officers of the army. At all events, his sentiments on that head were quite the reverse of those which the hon. and gallant Member seemed to impute to him, for he believed there was no body of officers belonging to any army in the world who displayed more courage than the officers of the British army always did. On many occasions, when the conduct of officers high in command, and the management of our army, had very properly excited grave comment and no slight disapprobation in that House, he had always borne his testimony to the gallantry by which our troops had invariably been distinguished. He had not, it was true, always greatly complimented those who were engaged in connection with the highest departments of the army while in the field; but, of the conduct of the soldiers and regimental officers he had never spoken in any other language than that of the highest admiration. He felt surprized that the hon. and gallant Gentleman should, in order to make an attack upon him, base his accusations upon a report in a newspaper, which contained only a portion of a speech which, if it had been given in full, would have shown that, even upon the very occasion to which the hon. and gallant Member had called the attention of the House, he had expressed himself in terms the most laudatory of those brave men whose conduct he was told he had aspersed. What induced him (Mr. Williams) to make the observations complained of, was the feeling which he thought existed among military men in this country to impose great expenses on the nation merely for the purpose of promoting their own interest. If we had occasion to go to war again a few years hence, he felt sure that, notwithstanding all the improvements in our system, we should find ourselves in precisely the same difficulty which we experienced during the late war with Russia. That was the opinion which he entertained, but it might be wrong, and all he could say was, that he should be extremely glad to discover his error; but to accuse him of endeavouring to produce an ill-feeling between officers and men was a charge totally destitute of any foundation. The hon. and gallant Member said he never lost an opportunity of vilifying the army; he should like him to point to any particular occasion when he had attempted to do anything of the kind. He (Mr. Williams) had certainly opposed reckless and useless extravagance in the army, but he never recollected the hon. and gallant Member getting up to address the House except to defend some proposal for taking money out of the pockets of the people for purposes in connection with the army which were totally unnecessary. He (Mr. Williams) was not opposed to granting public money to make the army and navy efficient, but he objected to its being squandered in the way it had been with the consent of the hon. and gallant Gentleman. He would only further say that he entirely agreed to all the hon. and gallant Member had said in favour of the army, and was as anxious as the hon. and gallant Member himself could be to maintain the honour and efficiency of the army.

Mr. W. Williams

GENERAL ASHBURNHAM—
OBSERVATIONS.

Sir WILLIAM CODRINGTON: Reports of election speeches in the newspapers ought perhaps, Sir, to be passed over as likely to be frequently incorrect, and, as the hon. Member has denied the charge that he ever said anything calculated to engender ill-feeling between the officers and men of our army, of course we are bound to believe in the honesty and truth of that statement. The superior officers of that army can, in my opinion, stand upon their own merits, and need, I think, no defence in this House from any individual. I wish, however, to take advantage of this opportunity to refer to a very serious report of an anonymous nature contained in a letter to the same paper, purporting to come from a "Staff Officer" and tending to affect most materially the character of a gallant general who was a short time since sent out to China with a high command—I allude to General Ashburnham. I hope that among the qualifications for the position of a staff officer discretion will for the future occupy a prominent place, because not only from one, but from many publications which I have seen lately it is easy to perceive that this quality even of the most moderate order, has not always been exhibited. Now, the report to which I refer, has evidently emanated from a staff officer on full pay who was engaged in the operations at the Sutlej, and bears the stamp of authenticity from the number of facts which it states. It, of course, was published throughout England—I may say, throughout the world. And thus General Ashburnham, who had started upon his expedition, is, a week after he has left this country, made the subject of, and when he reaches his destination will find himself followed by, remarks affecting not only his public conduct as a general, but his private character as a courageous officer. I shall, however, take the liberty of reading to the House a letter which was written by an eye-witness—which the author of the report was not—of that which occurred upon the morning of the night which the "staff officer" describes. The writer of the letter was an officer of the 62nd Regiment, which was employed in assaulting the lines of Sobraon upon the morning to which I allude. The name of the officer I shall mention, if any hon. Member wishes to know it. His letter is as follows:—

"Winchester, May 4.

"You have seen the attack on General Ashburnham. Well, with a soldier that part of it about taking the outpost is easily disposed of. General Ashburnham had received his orders from the Commander in Chief, and obeyed them in preference to the suggestions of two junior officers, who must have had no small share of impudence to go to him with their opinion after being told he had received his orders and intended to obey them. Now, I will state on my honour what I saw of General Ashburnham on the day of Sobraon. He commanded the Queen's 9th and 62nd as also a native corps. After the flank companies of the 62nd had got into the outpost, which they were ordered to take, the remainder of the regiment was ordered to remain about 200 yards in rear for the protection of some artillery. General Ashburnham then left the regiment, and went to the 9th Regiment and the native corps—48th Bengal, I believe—some 300 yards in our left rear. The 62nd were in a nullah, which ran nearly perpendicular to the batteries, but it afforded some cover, and it was taken advantage of. There the regiment remained nearly two hours, losing some fourteen men from round shot. General Asburnham was with the largest part of his brigade. We received an order to join him, which we did as quickly as we could, and found him forming line. When all were in line—three regiments and a company of native rifles—the brigade advanced, and as we approached the batteries, which were being well served and blew up one of our tumbrils, General Ashburnham rode out in front about thirty paces with his sword pointing upwards at arm's length, and could be, and was, seen by all the brigade. In this way he led us to the battery, on arriving at which he tried to leap his horse through one of the embrasures, but the horse failed. He then turned his head, tried again, and went in. We found him between us and the enemy, and he continued to keep in front, nearly looking into the muzzles of the enemy's muskets. How he escaped being hit is a marvel to me to this day. He was, I believe, at least he was the only mounted officer of his brigade who rode into the intrenchments, all this time under a most destructive fire. A more gallant deed or one showing more determination or coolness I never saw; and this was seen by both officers and men of the 62nd Regiment, and was the admiration of all, from the late Lieutenant-Colonel Shortt, who commanded the regiment that day, down to the private. One soldier rushed to the front to the brigadier and kept at his stirrup all the time. When General Ashburnham was forming his brigade a staff officer did ride up and tell him to advance; indeed, the brigade was advancing at the time. General Ashburnham could never find out who the man was or who had sent him, although he tried to do so. I enclose a rough copy of a conversation that took place after the battle. I was present and heard it, as was the writer."

Now, Sir, that is the statement of an officer who, as well as the rest of his regiment, was an eye-witness of all that took place on the occasion in question. I shall also take the liberty of reading to the House another letter, containing the substance of some remarks which the writer had heard fall from Lieutenant Colonel W. T. Shortt in the course of a conversation in the camp of the 62nd Regiment on the night of the day of Sobraon.

"I, with some other officers, heard the late Lieutenant Colonel W. T. Shortt, 62nd Regiment, thus, word for word, express himself:—'I always had the highest opinion of Ashburnham; but, if it be possible, my admiration of him is much increased by what I saw him do to-day. He rode in front of the brigade in the advance up to the enemy's battery, and in the teeth of a most destructive fire, and endeavoured to jump his horse through one of the embrasures. Finding, however, owing to its steepness, that he was unable to effect his object, he coolly turned his horse's head and rode parallel to the battery for a considerable distance, until, finding an embrasure more suited to his purpose, he spurred his horse, and in an instant was among the enemy on the opposite side, followed by us. A more gallant deed, and one exhibiting more coolness, I never witnessed."

I have to apologise to the House for having trespassed so long upon its time, but I thought it right to offer to it this defence of a brother officer who has been attacked—but let it be remembered attacked only anonymously—in a newspaper.

House in Committee of

SUPPLY—NAVY ESTIMATES.

(1.) 53,700 Men and Boys for eight months.

SIR CHARLES WOOD: Mr. FitzRoy, it is necessary to explain, for the benefit of those hon. Gentlemen who were not Members of the last Parliament, that the Estimates which I propose are the same as those which were submitted in the last Session, and that on each head of these Estimates a certain sum was voted on account; and the sums I shall now propose are the difference between the sums voted on account and the total sum necessary for the service of the year. A sheet has been delivered to hon. Members containing an account of the whole sum required, detailing the amounts taken on account, and also the sum to be voted to-night. I hope that, with this paper in their hands, and with the general Estimates also before them, hon. Gentlemen will clearly understand the course which Her Majesty's Government propose to take. In moving sums on account, it is not usual to make any general statement relative to the Estimates of the year. It was thought better that any general statement should be deferred until the Estimates were moved for the whole sum required, it being the rule that the voting of sums on account does not preclude a general consideration by the House of the whole sum when the balance is applied for. These Estimates were fully considered by the Government in the early part of the year, and so far as the navy is concerned nothing has occurred to make any change necessary in the sum for which we ask. It is right to state, however, that with regard to the expenses incurred in the movement of troops it will be necessary at some future time to submit a Vote for a further sum. We had not, at the time when the Estimates were prepared, received that full intelligence of events in China which has subsequently reached us; and it has been found necessary to send out troops to China, and the Estimates of the cost of sending out those troops will be presented to the House in a separate estimate. With respect to the expenditure for naval purposes, it will not be necessary to ask for a further sum on account of the operations in China. It was the intention of the Government to maintain what is called a home squadron, or, as it is sometimes called, a squadron of evolution; but by giving up that squadron for this year, the means have been provided without an additional vote for carrying on the war in China. Last summer the reliefs had been provided for those ships whose service in China was on the point of expiring, and I had in consequence commissioned ships to take the place of those ordered home; and piracy having increased in the shallow waters, I ordered seven or eight gun-boats to proceed to China for the purpose of suppressing it. With that exception there has been no increase to the naval force sent out to China until after hostilities broke out; but Sir Michael Seymour has very properly detained the vessels that were to have been relieved, except the *Winchester*, the crew of which had suffered from their protracted stay. Therefore, for purposes of naval expenditure I shall not ask the House to vote any further sum of money; the only demand rendered necessary by these hostilities will be for the transport and the lodging of troops for China.

It will, perhaps, be desirable that I should enter rather more fully than usual into the present state of our naval resources. Sir, nearly twenty years ago, when I had the honour of holding the office of Secretary of the Admiralty, it was my duty to address your predecessor in answer to the great attacks that were made upon the Admiralty of that day for their neglect of the navy. They were charged with having starved the navy by their niggardly economy. To-day I may not be improbably exposed to a charge of a different description, and I may have to defend the Government against the charge of a lavish expenditure for the navy. Upon that occasion I think I succeeded in showing that the Admiralty had paid a due regard to the efficiency of the navy, and I hope to be equally successful on the present occasion in showing that the Admiralty have not carried reduction beyond the point which a due regard to the just expectations of the country that the expenditure should be diminished, combined with the interests of the navy, requires. It is usual, as the first step in moving the Estimates of the year, to compare them with those of the preceding year. Upon this occasion such a comparison will be of less value, because there has been a change from a state of war to one of peace. But it is as impossible to reduce these Estimates all at once from a war to a peace expenditure as it is to raise your establishments all at once from a peace to a war footing. The first Estimate of last year was £19,600,000; the reduced Estimates was £16,298,000, while the naval Estimates for the present year for all branches of the service are £8,109,000. There is therefore a reduction over the first Estimate of last year of £11,500,000, and over the second of £8,188,000—that is, a reduction of more than half even upon the reduced Estimates of last year. The expense of the coastguard must be added to the Estimates of 1856 as it is included in 1857. No doubt the cessation of a demand for the transport service has to be taken into account; but the reduction on the naval service alone is not less than £3,430,000. In some respects, I confess, I should have been glad not to have carried reduction quite so far; but we could not forget that the country had for two years borne the heavy charges of the war without murmur or complaint, and we therefore thought it fair and due to carry reduction as far as we could without injuring the efficiency of the service. I have no doubt that now, as in 1839, the House and the country will be jealous as to the efficiency of the navy, and we should be justly called to account if we sacrificed the efficiency of the service. I hope to satisfy the House that we have done no such thing. Expenditure for many articles required during war cannot be stopped at once. Contracts were entered into for the supply of timber, &c., which it is necessary to execute though the war came to an end; many works also were commenced under the pressure of the war which must be carried on to a completion. In future years, therefore, some further reductions may be made. I do not propose these as permanent Estimates, and as incapable of any future reduction. I cannot, however, hold out the expectation that we shall be able to reduce the Estimates to the level of former years. We have learnt many lessons during the war, and one of them is that we were not adequately prepared when war broke out. I hope and trust that we have now a long period of peace before us. No one can be more anxious than myself that this should be the case; but we can have no better security for the permanence of peace than the knowledge that we are now prepared for war. That we were not adequately prepared for war when war broke out was just as well known to other nations as to ourselves, and I remember a shrewd observation made by an intelligent foreigner, that if he had to give advice to any foreign country that was going to war with us he should advise them to strike a great blow during the first two years of the war. At the end of the first two years of the last war, when other countries felt the strain and pressure of the war, we were better prepared, and had a larger army and fleet, and were more able and willing than at first to carry on the war. Let us, then, during peace, show that we are in reality prepared, and let foreign countries know that they cannot strike a blow at us during the first two years of war. This will be our best security for peace. Another consideration deserving of attention is, that in all probability any future war will be a more serious war than the last. So far as their navy were concerned the Russians did not venture to send their fleet to sea; but we know what great exertions are now being made to equip them. The Russians get their lines of ships from us and a great deal of their machinery made in this country, and they have many Englishmen employed in their manufactories at home. In a few years, therefore, it is probable the Russian navy will be in a very different position from what it was during the war. We are, happily, in a state of intimate alliance with our nearest neighbours; and long may that alliance continue, for the benefit of both countries. No man, however, can foresee what may happen at any moment. France has been paying the greatest possible attention of late years to the efficiency of its navy. We have recently seen the efforts made in the same direction by our trans-Atlantic kinsfolk. And, though I trust that peace may long be preserved throughout the world, yet I think we—the first maritime Power in the world—should be greatly to blame were we to neglect those preparations which we find other nations are making, and which would enable us to meet any adversary who may be opposed to us should hostilities unfortunately break out. Another consideration is that the army and navy are nowadays far more expensive than they used to be. The additional expense of a steam navy compared with a sailing navy is, perhaps, greater than hon. Gentlemen may be aware of. Upon this subject I shall have to dwell more at large, and I only allude to it at present. These are the principal reasons why I do not think it possible to come down to the low level of our former naval estimates.

With these preliminary observations I come at once to the present Estimates. They are, as hon. Gentlemen know, divided into two great branches—the effective and non-effective Votes. The latter, consisting chiefly of half-pay and pensions, regulated almost entirely by Act of Parliament, are very little subject to the discretion of the Admiralty, and cannot be increased or diminished by them. The non-effective Votes are about £1,300,000 and there is an expenditure of about £200,000 for miscellaneous services. The effective Votes, in round numbers, amount to £6,500,000, and are pretty equally divided between men and material. The first head includes wages of seamen, victuals, and expense of the coast-guard. The second includes the wages of labourers and salaries of officers, the purchase of stores and the expense of the dockyards. The first item of charge is, of course, the men; and the first Vote, Sir, which I shall put in your hand is the number of men to be voted for the remaining portion of the year —the same number, of course, which I proposed in the early part of this year,—namely, 38,700, inclusive of 5,700 coast-guard men. Including boys, the total number of seamen voted in 1849, 1850, and 1851 was 28,000; in 1852 and 1853 it was 33,000; in 1854, 48,500; in 1855, 54,000; at the beginning of last year we took a Vote for 60,000, which we reduced subsequently to 40,000, and in which a further reduction has been made of 7,000. We bore at the end of 1854-5 the full number of men voted; 6,000 more men were voted by the House, but before it became necessary to raise them the preliminaries of peace were signed, and the men were actually never levied. About 54,000 men were borne on the Estimates, and therefore the actual reduction was about 14,000. A more difficult task than the reduction of the men I never had to perform. In former times, when ships were paid off as a matter of course the matter was comparatively easy; but now, with the disposition of the best men to remain in the service, the task of reduction is not only the most difficult, but also the most painful one I ever had to discharge. Preceding Boards of Admiralty have done much to improve the condition of the seamen in every way; the best men are now unwilling to leave the navy; and I hope the House will forgive me for saying, that I have been most unwilling to pay them off. When the *Arrogant* was paid off not a single man quitted the service; and when the *Duke of Wellington* with 1,100 men was paid off, 210 only were discharged. No ships have been commissioned for the last fifteen months except those absolutely necessary for reliefs, and the gunboats sent to China; and I was unable before the 1st of April to effect a reduction to the number voted by the House. At the beginning of the month we had 8,000 men over the number proposed to be voted for this year; and I was obliged to have recourse to much stronger measures, even allowing the continuous-service men to take their discharge, if they wished to leave the service. It is true there is a considerable number of ships ordered home and on their passage. The complement of those ships is about 8,000; and when they arrive in England our object may be accomplished; but at the rate of proceeding adopted last year—that is, not discharging those men who were anxious to remain—we have been unable in the course of the year even to approach the reduction we have to make for the permanent service of the country. The House will observe that the difficulty arises, not in the reduction itself, but in effecting it within the given time. I believe that 33,000 men, or thereabouts, will adequately provide for the service of this country during peace; but I do not think we can safely reduce our peace establishment much below that number. As I have already intimated, the transition from a war to a peace standard is a question of time. Those men, however, who have been discharged—men, that is, if they were of good character—have all left the service of their own accord. No man of that class has been discharged except at his own request. I hope before long that we may bring down the number nearer to the force which we call upon the House to sanction for the year; yet I am indisposed to get rid of any man without his free consent, and, therefore, if at the end of the year I may somewhat exceed the prescribed strength, I hope I shall receive the indulgence of the House. I am most anxious to keep faith to the strictest letter with the British seaman, and not to inflict hardship on any man who came forward to serve his country in time of war, and who may now desire to continue in the navy. These observations, of course, apply to the immediate period of a reduction from a war to a peace establishment. I have not the least doubt that, when once you have made the descent to a peace establishment the system brought into play before the war may resume its ordinary and even course. Then you will have no difficulty in so regulating the entries as to maintain whatever number may be adequate for the navy. I feel confident that the experience of the last war and the precedent which has been set of showing every consideration to the men, not only while in the navy, but when leaving it, will produce an excellent effect, and tend on future occasions, should an increase of men be demanded, greatly to facilitate new entries. With regard to the force permanently to be kept up, the number we propose is 33,000—the same number as that voted in 1852 and 1853. The amount of our force ought to be determined partly by the protection required for our trade and commerce in every part of the world, and partly by the naval strength of other countries. Hon. Gentlemen know that our commerce extends over every quarter of the globe, and that there is hardly a coast or a port to which it is not requisite from time to time to send our ships of war to look after and protect British subjects and their property. Scarcely a mail arrives from a distant part of the world by which we are not assured by our consuls of the valuable assistance and security—to say nothing of the confidence—afforded by the presence of our navy. Indeed, there is hardly a foreign town in the remotest regions in which British merchants have not settled, in which trade is not carried on by British capital; and it is obvious, therefore, that the peace and tranquillity of those towns are essential to the interests of British merchants, and to the prosperity of the British community. It is, of course, impossible precisely to estimate what may be the value of the protection extended in any particular case. The service which our ships of war afford to our merchant ships at foreign stations, in different parts of the world, is of the greatest pecuniary value to this country; but the number of those ships of war is not sufficient to meet the numerous demands that are made upon them by the consuls in the different ports, backed by the representations of the merchants trading there. I think, moreover, it is exceedingly desirable that we should have this, and every year, a home squadron for the practice of our naval officers. At present, almost the whole of the ships of the Royal Navy are scattered throughout the world, and they have scarcely ever an opportunity of acting together. I have no doubt that the hon. and gallant Admiral (Sir C. Napier) will say that our fleet would require considerable drilling before they could act in a body. And if that is the case, it is evidently desirable that there should be squadron evolutions at home almost every year, for the practice of our naval officers. But the demands upon the navy are this year so great that we have no vessels at home. It is the practice of other nations in ordinary times to make their navies perform evolutions periodically, with the view of preparing them for war. The Russian navy performs evolutions at sea twice every year. When the Grand Duke Constantine visited Toulon the other day, eight sail of the line were sent to sea for inspection; but I am afraid that when his Imperial Highness comes to this country we shall not have more than a couple of ships of the line at home. In ordinary times we ought to have on our shores an adequate naval force ready to be sent out upon any expedition. We stand at a great disadvantage with regard to other nations, so far as the immediate manning of our navy is concerned; because, while ours is a voluntary service, other nations can, by their system of compulsory service, put on board their fleets, in a very short time, a number of men much larger than we could hope to bring together in the same space of time by our volunteer system. I have, however, no doubt that, if time allowed, in the course of two years we should have not the slightest difficulty in adding to our navy as many men as might be required—but it is when the emergency arises that the difficulty is felt; what we want is, not that that number of men should be put on board at the end of two years, but in two months or in two weeks. Russia and France can do that. Their system of compulsory service enables them almost immediately to make up great navies. No doubt in times of extremity we ourselves should be justified in resorting to impressment; but surely we ought to do everything in our power to prevent the necessity of having recourse to a measure of that description, and I think that this country will not grudge any reasonable expenditure that may be necessary for the purpose of preparing ourselves, to put our navy on equal terms with our opponents at the commencement of a war, and at the same time to avoid impressment. I have already mentioned that the Russian soldiers are half soldiers and half sailors. They are always liable to be withdrawn from their barracks in order to be put on board. The men in the French navy are discharged after serving three or four years. They then enter into the commercial navy, but they are liable to be called back to service in the Imperial navy. I think I stated last year that a commission of French officers reported that 40,000 men eminently qualified might be called out for immediate service in the French navy, and that 20,000 more, not quite so prepared, but competent seamen nevertheless, might be made available in case of necessity. Of course the French authorities could not lay their hands upon the whole of those 60,000 men at once; but suppose they could only put a small proportion of them on board at once—say one-half, or even one-third—France would at once have a very formidable navy with trained crews in a very short time. I thought it quite necessary last year to take steps for the formation of a reserve naval force for this country; but I do not think that that is enough. I do not see how we can depend upon being prepared to meet the exigencies of war without maintaining a very considerable fleet permanently at home. If such a fleet be maintained, I have no doubt that partly by the seamen already employed, partly by the coast reserve, and partly by those who I am sure will in a time of war enter the navy as readily as those who entered it at the commencement of the last war, we shall be able to put to sea a fleet that will defend the honour and maintain the safety of this country. Of course it is impossible to say exactly what should be the number of men in the home squadron of which I speak, but evidently a considerable number must be voted to supply any such force.

With regard to the marines, I have to observe that we propose 15,000 as the number for this year. My right hon. Friend the Member for Carlisle (Sir J. Graham) stated two or three years ago that having raised the number of marines to 16,000, he should be very unwilling to see them reduced below that number. We have, however, this year reduced them by 1,000. We felt it impossible to reduce the seamen employed to the full extent that we had proposed, and I thought it was only fair to reduce the marines by 1,000. I propose, nevertheless, that the number of marines should never be reduced below 15,000, because I believe that it would be most unwise and impolitic to maintain less than that number. Everybody knows that 15,000 is a larger number of marines than we have been accustomed to maintain; but inasmuch as we have now a new coast-guard service, it will be necessary to maintain a corresponding number of marines in reserve to be put into the vessels that are to be manned by the men from the coast-guard. These men are employed during peace in garrisoning our great ports; and when war breaks out, they are put on board the Royal Navy. I am happy to say that the coast-guard service that I had the honour of proposing last year has worked most admirably. Ships have been stationed at the different ports, and a large proportion of the men have been found fit for sea service. The regulations at each station are such that the men have expressed themselves highly satisfied with their service, and so far from that representation which was made some months ago about many of them leaving their service being true, I am glad to say that, according to the reports I have received, only one man has been found throughout the whole of these stations to have left the service in consequence of the regulations. We have entered 800 men from the navy into the coast-guard service during the last year; the greater number (about two-thirds) of them having been petty officers; the rest of the men had served in the navy not less than five years, and had good characters from their commanding officers. By these means, therefore, the country will have at its command some of the very best description of men for time of war, and I have every reason to suppose that, as the system is gradually extended round the coasts of England, we shall be able to form a reserve to the full extent that I have anticipated. We shall have, in fact, in a very short time nearly 8,000 effective men in that service. Add to these the Royal Naval Coast-guard Volunteers, and our reserve force will be found to be placed on a very satisfactory basis. My right hon. Friend (Sir J. Graham) never did anything more beneficial for the navy than when he established these Naval Coast-guard Volunteers. It was difficult during the war to devote the time necessary to the training of these men, or to find officers for the purpose; but the House will be gratified to learn that most satisfactory reports have this morning been received from two of the stations where these volunteers are placed. I shall read short extracts from these reports. The first, from Captain Randolph, of the *Cornwallis*, at Hull, says—

> "The whole number assembled has been seventy-one, of whom ten have completed their period of drill and been discharged. These ten are efficient at loading and firing both great guns and rifles with all precautions, and all have fired shot from six-pounder and thirty-two-pounder, generally with remarkable precision. The progress of the remainder has been equally satisfactory for their respective terms of drill, and it is not a little proof of the interest taken in it by themselves that not one complaint of inattention has ever been made by any instructor. Indeed, the volunteers have expressed unanimously their wish to improve themselves and their satisfaction with what they have seen of the service."

Captain Frazer, of the *Pembroke*, says:—

> "By 5 p.m. on the 2nd of April we had received on board 285 out of 301 summoned, and on the following morning they commenced their drill in the great gun, small arm, and cutlass exercises. 1,400 rounds of ball cartridge were also fired at 200 yards range, and the practice was nearly as good as that of our marines. The conduct of the whole party was, throughout the time they were on board, most exemplary. Not a single complaint was made from or of them, and they left the ship, I may almost say, with regret. By 4 p.m. on the 2nd instant we had received on board 252 out of 284 summoned. As far as I have experienced, I may safely say the general conduct and good feeling shown by the volunteers could not possibly be more satisfactory or encouraging."

We have not had time to ascertain fully the results at all the stations, but I have no hesitation in saying, that if this system be carried on as it has been begun, we shall, ere long, have organized a body of men who, accustomed to a sea life and trained to the use both of great guns and small arms, will on any emergency that may occur be of the most essential service in the defence of their country. I do not know that I need say more as to the number of men; I trust that the statement I have made both with regard to men on active service and the reserve, has been such as to justify the expectation that the navy will be maintained in a state of becoming efficiency and vigour.

I shall now refer to the subject of the dockyards, factories, and establishments generally, including material, building, repairing, equipping. The extra men employed in the dockyards during the war have been almost entirely discharged, and the establishments, with the exception of the factories—which are increasing day after day—are now being reduced to what they were before the war. With regard to the class of ships that ought to be built, I know there is considerable difference of opinion among naval critics. Some officers are for large ships, and others are for building nothing but small ones. My belief is, that it is necessary we should build a certain number of both. We have, during the war, built a large number of the smaller description of vessels for service in shallow water. It must be admitted that these latter vessels are very efficient for any description of duty within reach of shore, they cannot carry stores to any great distance, and are not calculated for cruising, or capable of remaining long at sea; but for service near the shore, no description of vessels can be more efficient than they are. Nevertheless, it would be unwise not to continue building a certain number of ships of a large size. We must look to what other nations are doing in this respect. It is plain that no great naval engagement could be maintained in the middle of the Atlantic between line-of-battle ships and gun-boats. The French are building large and more powerful line-of-battle ships than ourselves; the United States also are building ships and frigates larger than any we have. I will not say whether they are likely to succeed in their models and designs, or whether they will in reality be as powerful vessels as they are said to be by the Americans themselves; but, at all events, we ought not to be left without the means of meeting such vessels, should the necessity of doing so ever unfortunately arise. Gentlemen may, perhaps, like to have a statement of the number of ships possessed by us in former times compared with others. That I am able to supply, at least with regard to our nearest neighbours, the French; and I am sure it will be the wish of the House that we should have at all times a more powerful navy than any other nation of the world. We may not be able to be superior to them all, but, at any rate, unless we are prepared to descend from the high position we have hitherto held as the first naval Power in the world, we should be superior to any one nation—some would say to any two nations—in regard to the numbers and power of our ships. The following is a comparison of the numbers of English and French ships of the line—

	English.	French.
In 1793	115	76
1817	131	72
1840	89	46
1857	42 (screw)	40 (screw)

In this list I omit our block-ships, which, though very efficient for certain purposes, could not keep their place in a cruising or blockading squadron. With regard to frigates the comparison is—

	English.	French.
In 1817	192	46
1840	110	91
1857	42 (screw)	37 (screw)

The numbers before 1857 are sailing vessels, in 1857 only steam. At this time, I think, that sailing vessels ought, almost, to be left out of consideration, for I do not think that, except in case of urgent necessity, any nation would dream of sending a sailing squadron to sea. At present we have fity-one screw-ships of the line; nine of these are block-ships, and only fit for a peculiar service. With regard to American frigates we have nothing equal in point of size to the *Merrimac*, or to such American corvettes as the *Niagara*. We have nothing of that description in existence. I will not give an opinion as to whether such vessels are really necessary or not, but it is clear that we should not be without them when they are possessed by other nations, and therefore I have ordered one or two of this description of vessels to be built. We hope to improve upon the vessels they have built. It is, perhaps, not desirable to build a great number of very large ones, but it would be manifestly improper not to keep up our relative position with other countries. Now, the House, in order to do this, must be prepared to incur expense. The expense of a steam fleet is necessarily much greater than that of a sailing fleet. Everybody knows how great the cost of the improved ships of our mercantile navy is; and, of course the vessels of the navy must be improved in size and equipment in the same proportion. But this can only be done at increased cost. I will give the House a comparison of the cost of three different kinds of sailing and screw ships. The *Queen*, a sailing ship of 116 guns, cost £100,000; the *Duke of Wellington* (screw), 131 guns, £170,000. The *Albion* (sailing vessel), 90 guns, cost £95,000; the *Agamemnon* (screw), 91 guns, £144,000. The *Vernon* (sailing vessel), 50 guns, cost £63,000; the *Liffey* (screw), 51 guns, £129,000; the cost, in the last case, being more than twice as much for a screw than for a sailing vessel of the same number of guns. It is said, however, that a small number of steamships can do the work of a larger number of sailing vessels; but I do not think that that is so; since the introduction of machinery into the equipment of a man-of-war, the chances of her breaking down and being unfit for service have very much increased, and I doubt whether if you put a less number of steamers on a station than you formerly had of sailing vessels, you would have, as a rule, as great a number of vessels out of them ready for service. This is the case with all steam vessels, whether belonging to the public or to private merchants. And in reference to the frequent attacks which have recently been made on the Admiralty on the score of accidents happening to these ships, I have returns with me, from which I could quote if necessary, which prove that the number of accidents to steamers in the Queen's service is infinitely less than those which occur in the merchant service. For instance, out of 326 Government steamers employed during the last five years, only twenty-three have met with accidents; while out of 297 steamers belonging to private firms employed by us as transports, during fifteen months of the Crimean war, forty-six were fined for delays caused by accidents. Perhaps I may be permitted to allude to a statement made by an hon. Member the other night as to the screw of the *Urgent* having been broken and having knocked away one of the iron plates in her bottom, which I could not answer then, but which I am now able to pronounce to be an entire fabrication. Since the vessel came into port I sent down to ask whether any accident had occurred to her after leaving England, and the answer was, "Decidedly not." Her Commander, in a report addressed to the Admiralty the other day, says—

> "I consider the *Urgent* to be a strong and well-built ship, and fit for the service on which she is employed. She is remarkably stiff, and sails uncommonly well with her present establishment of masts, yards, and sails. She stays well, is lively and buoyant, and a good seaboat, but takes time and space to wear in. She is certainly not overmasted, and does not appear to have too much top weight; indeed, I am almost inclined to ask permission to land twenty tons of ballast."

I do not mean by saying that accidents are more frequent now than they used to be to impute any blame to builders and engineers. They are inseparable, perhaps, from the period of transition in the adaptation of steam power to naval purposes through which we have been passing; and I hope that before long, when engineers have ascertained accurately what proportion of power is required for the screw, and what class of machinery is best fitted for certain purposes, we shall have fewer accidents than occur at present. Some persons appear to think that when an accident happens to the machinery of a Government steamer the Government are to blame, and we are told that we ought to buy our machinery from the private engineers, if we cannot make it ourselves. The fact is that the Government do not construct a single engine themselves; they are all constructed in private yards; therefore, if any accident happens to the machinery of a Government vessel, it is not any Government department which is to blame, and gentlemen who find fault with Government, comparing, as they suppose, the mistaker of good work with the absence of errors in private yards, are really pointing out cases where private manufacturers have failed in putting good work into good vessels.

The next item of expenditure is the Stores; and the increase in this is occasioned by the necessity of replacing the stores which were used during the war. Of timber, for instance, we used in 1856 exactly twice as much as we did in 1852, and it is necessary now to replace what we withdrew from the stores. A new item of expenditure is coal, a new and very large item, which of course, in old times, did not appear on the estimates. The greatest pains are taken to restrict the consumption of coals. The next item is the cost of new works in the yards. The introduction of steam power has caused considerable increase in the yards. In addition to carpenters and shipwrights we are now obliged to have engineers. We must have the means of repairing accidents in our own yards, and there is increased expense, not only in the number of workmen, but in the quality of work done. The repair of the machinery is now more expensive than any repairs which a sailing vessel could need; and the Committee will be able to judge how much greater the cost of our yards must be, when I tell them that the horse-power of the steam vessels in our navy afloat, in ordinary and building, is 102,470. But there are many things required in our dockyards for the various departments of the service which we have not got. In the course of last year I went over to see the French dockyards, and I can assure the Committee that the works which they are carrying on there exceed everything which we are doing. The yard at Cherbourg is as large as Portsmouth, Devonport, and Keyham put together; and the basins there are as large as all our basins put together. Of course, the facilities of equipping ships depend upon the power of bringing them close to the quays from which all their stores can be put on board at once; and, as they have 180 acres of basins in all their yards to our thirty-four acres, their facilities for fitting out vessels on an emergency are infinitely greater than anything which we possess. The inner basins at Cherbourg alone are thirty-three acres. There was a time when the yard at Keyham was considered an unnecessary expense; but when my predecessor went down there, he found that it was not large enough, and he had to enlarge it, and I, in my turn, have had to make additions. The lengthening of our docks has become necessary from the increased length of which we have been obliged to build our vessels since the introduction of steam power. Soon after we bought the *Himalaya* it was necessary to dock her for certain repairs, but there was not a single dock in the yards into which she could be got, and we were obliged to break off the head of our newest dock at Keyham, in order to dock her. If when the *Merrimac* was over here her commander had asked permission to dock her, there would only have been two docks in the kingdom which could have received her. The United States have sent over their new corvette, the *Niagara*, to assist in laying down the Atlantic telegraph, and it may be necessary to dock, in order to make certain arrangements on board to fit her for the duty; but there will be only one dock in the country into which she can go. The same is the case, too, with regard to some of our new vessels. More than this, it is almost impossible to repair a vessel near her screw without taking her into dock, and therefore the introduction of so large a number of screw vessels into our navy has infinitely increased the necessity for docking. These are the principal causes of the largeness of the amount which I shall ask the House to vote. There are some slight increases in different Votes, arising from the high price of provisions, and other causes, which I shall be happy to explain when we come to the Votes to which they refer; but I have now put the House in a position to compare the state of our navy with that of the navies of other countries which may be our rivals; I hope they will be no more—and by which we cannot allow ourselves to be beaten in the race for naval glory. We may not be able to compete with foreign nations in the number of men whom we can bring into the field on land, but I should be sorry to see the day when we could not send to sea a fleet superior to that of any other nation. A similar feeling is, I believe, unanimously entertained by the country, and I can solemnly declare that I do not believe I have asked for a single sixpence more than is necessary to enable us to maintain and send to sea such a fleet as shall effectually maintain the honour and safety of the country.

Admiral WALCOTT: Sir, it would be of no avail for me to address the House with reference to a reduction of nigh three millions of money in the effective service of the navy, comprised in the Estimates on the table of the House; the Government having, after mature consideration, adopted that Estimate. There is no part, however, I believe, of the public service, which the nation is more disposed to support than the navy, provided that its administration be adapted to secure the best interests of the country. The First Lord of the Admiralty has certainly introduced them to the House in an intelligible and comprehensive form; let me, however, impress upon him the necessity of accommodating the numbers, the strength and armament of our navy, to the capabilities, the improvements in science and augmentation known to exist, or in progress, in the fleets of other maritime countries, in order that in the event of an unexpected rupture we might not discover ourselves to lie at a disadvantage, in an arm which is England's peculiar immemorial, nay, natural safeguard. I hear with satisfaction from the right hon. Baronet, that there is to be a squadron of evolution. He ought to keep a force of not less than twelve sail of the line in constant active service, irrespective of frigates and sloops, which would enable us within a week, in any emergency, to fit and complete for sea double that number of ships. Nothing is more essential to the best interests of the service than the maintenance at sea of a squadron of evolution, in which officers of all ranks might be instructed in the management of their ships, and especially in the evolutions of fleets and squadrons. The exercise should be conducted during the six summer months with all the ships which could be collected of all classes, large and small, on the home station, which ships should join in the Bay of Biscay to increase the number, instead of lying at Malta, Lisbon, or Gibraltar. In 1845, at the suggestion of one of our most distinguished and intelligent naval officers, Admiral Bowles, then a Lord of the Admiralty, it was determined to ascertain how speedily two ships of the line then lying dismantled, the *Bellerophon* at Portsmouth and the *Calcutta* at Devonport, could be prepared for sea in the most perfectly efficient order for service. Not a whisper was permitted to escape of this intention. The necessary order was despatched from the Admiralty on a Sunday night. Both ships commenced on the Monday morning, and by the Wednesday evening the one at Spithead and the other in the Sound at Plymouth were ready for sea. Let us handle our ships thus—let us infuse this spirit into officers and men, and England's supremacy on the ocean will at no time be endangered; but it will be to no purpose, although we shall equip the most formidable array of floating bulwarks, unless they are alive from stem to stern with first-rate practical officers and zealous efficient crews thoroughly up to their work. To secure this paramount object and answer the country's just expectations, it is indispensable to hold out due and certain reward to meritorious officers who exhibited zeal and proficiency in the discharge of their duties. As regarded the seamen, the promises we made to them must be rigidly and honourably kept sacred, in order to inspire them with confidence in the fulfilment of our side of the agreement, while in all fairness we challenge them to carry out their engagements with equal strictness and ready will. With respect to the continual-service men, I hope the First Lord, in any arrangements he may make, would remember that we called upon those men at a moment of emergency, and therefore we are bound to deal with them with such fairness as will inspire our seamen with confidence in any promise which we might make to them in future. Looking to the great extent of our commerce, the remoteness of many of our most valuable dependencies and the uncertainty of the duration of peace, I trust that the House will, at all times, be careful to maintain an adequate fleet—on this depends the prevention of national disaster; on this depends the supremacy of England, with which lives or dies England's security. I wish for no parade of ships, officers, or men, but I protest against deficiency, because, for want of an efficient navy, we may lose a glorious opportunity of striking an effectual blow at an enemy, and crushing him by a decisive stroke in the very infancy of a war. For the efficient training of the coastguard men, I suggest that to every block-ship there should be attached a frigate or sloop, in which the officers and men of this force should be sent to sea to learn their duties. Unless some such plan is adopted, they will at the breaking out of another war be as inefficient as they were found to be by the gallant Admiral, late Commander in Chief of the Baltic fleet (Sir C. Napier). I rerecall to the recollection of the First Lord of the Admiralty the suggestion I often have given as to the necessity of providing a uniform for the service of the navy, and extending to them in regard to it the same protection as was given to soldiers by the Mutiny Act. I likewise earnestly desire to see the power of nominating midshipmen and cadets restored to captains of ships. That was the system in the olden time, and it worked most advantageously for the midshipmen in obtaining for them a paternal and vigilant guardian in the captain under whom they served. A ship ought to be stationed at Portsmouth and Devonport, on board which the cadets would enjoy the same advantage with respect to training, as were already afforded to boys to be brought forward as seamen. To these subjects I directed attention in the last Session of Parliament, and I now most earnestly desire to draw the notice of the House to them.

SIR CHARLES NAPIER said, that although £8,000,000 seemed a large sum to vote for the navy, yet after the explanation of the First Lord of the Admiralty, he could not say that these Estimates ought to be reduced one farthing. On the contrary, he thought they were much too low, because every word which had fallen from the right hon. Baronet went to show that this country was not in a proper state of defence. It was true that we had forty-two sail of the line, while France had forty, but we could not on an emergency lay our hands upon 40,000 seamen, as could at any time be done by France. For the lowness of the Estimates he did not, however, blame either the Admiralty or the Prime Minister; he blamed the House of Commons. We had the same men we had in 1853, including the coast-guard now under the Admiralty, and if a war were to break out we should be as ill prepared for it as we were in that and the following year. After twenty or thirty years' consideration, the Government had at length taken the coast-guard under the jurisdiction of the Admiralty, but this was not done in the manner it ought to have been done. In all the ports where at present there were inefficient ships, efficient ships ought to be substituted, in which the coast-guard and naval volunteers should be from time to time employed. The present system was a bad one; for if, unfortunately, war should break out suddenly, the first thing to be done would be to order those ships into port to be paid off, and commission a fresh set of ships and get them ready for sea. It was a well-known fact, that ships in commission did not wear out at all sooner than ships in ordinary; in fact, he believed that they lasted longer, and therefore he thought that the very best three-deckers and screw frigates ought to be substituted for the ships now in use. He would go further than that. Every naval officer knew that there was no body of men more efficient than the marines, and he would suggest that half of those now kept on board ship should be employed in garrisoning seaport towns, and their place on board filled up by able seamen, so that in case of a war a considerable fleet might be manned almost immediately by able seamen. What was the relative position of England with regard to France, as far as naval force was concerned, at the present moment? The First Lord of the Admiralty had told the House that France had forty ships, and we only forty-two; France was equal therefore to us in ships, and superior in the means of manning them; she had an army of 300,000 or 400,000 men, and we had but 20,000 in Great Britain. What would the consequence be if a war were to spring up? Why, there would be an invasion immediately. That was a matter which ought to attract the attention of every man in that House, and which ought to impress upon the Government the necessity of keeping up such a reserve of able seamen that, by distributing them through the fleet in conjunction with the coastguard men and naval volunteers, an efficient force might almost immediately be called out for active service. If this country should ever be called upon to encounter the navy of France it would not be on the same terms as during the last war with that country. Howe's victory of the 1st of June, whereby the French fleet was so cut up that they were never able to compete with us again during the war, was owing probably in some degree to the fact that France had just then emerged from the revolution, and that their ships were in consequence deficient both in experienced officers and good sailors. They were in a very different state now. Admiral La Susse, referring to the late war, said—

> "You had kept us so pent up in our ports that we had no opportunity of exercising our men, or keeping up their discipline. It is altogether different now, and you may depend upon it, should another war arise, you will never have another Trafalgar to boast of. We can now get our fleet ready for sea, fully manned and equipped, as soon or even sooner than you can."

It was not a question of the bravery of the sailors of the two nations, but it was a question of discipline and bravery against bravery alone. If a British fleet were properly manned it would do more than the fleet of any other nation. But what he wished to impress upon the Government was, that if they sent ships to sea badly manned they could only expect disaster. When the first fleet sailed for the Baltic, he had heard from good authority that only 400 men had volunteered from the merchant service, and the following year 300, and if such really was the case, the country was not in the position which it ought to be in. During the time the right hon. Member for Carlisle was at the head of the Admiralty, a measure was passed for calling out seamen by proclamation, and giving them a certain bounty. How that measure would have worked he could not tell. It had never been carried out, but, for his own part, he thought that the men liable to be called out under that Act ought occasionally to be called out in time of peace. If that were done the men would not think it so great a hardship in time of war, and the ships would be better manned. When he had the command of the Baltic fleet, he had felt the bad effects of the present system. Indeed, had it not been for the dockyard riggers and the coastguard men, he should never have got the fleet to sea. No men did their duty better than the coastguard men, remembering that they had not been used to act afloat, and had been drawn suddenly from service on shore, where they were enjoying all the comforts of home and sleeping in four-post beds. He trusted, therefore, that appointments to that force would never again be the result of Treasury jobbery, but that the men appointed to it would be in all cases really efficient seamen. He also agreed with his gallant Friend opposite that those men ought not always to be kept on shore, but that they should be kept in practice sufficient to prevent them losing their sea legs. He had supposed the case of one Power contending against this country; but take the case of Russia and France united. Russia, certainly, has no screw fleet, but France has, and Russia is now fast getting one also. He believed that at present, exclusive of officers, there were only about 4,000 able seamen in the fleet, and with such a force could we be expected to overcome the navies of those countries? The right hon. Gentleman had said that the "continuous service" was popular—that the able seamen would not leave the service. The result of his experience and conversations he had held with the men was that the best seamen would not enter for a continuous service of ten years. He hoped that that opinion might be wrong, but he feared that such was the case. If they would do so it would, he believed, be better for themselves and for the country. The present system of commissioning ships was also a bad one. At the end of three years, when a crew had been got into a perfect state of discipline, after arriving in port the work of destruction commenced, and the ship was paid off. This was never done during the last war, for during that our ships managed to keep off Brest or Toulon for several years together. He trusted that one of the first steps of the First Lord of the Admiralty would be to do away with that abominable system, which was condemned by every naval officer, and to keep ships in commission as long as he possibly could. The only reason for putting a ship out of commission at the end of every three years was to give the Admiralty more patronage. Now, that object could be accomplished without incurring any of the evils attached to the existing system, and for his own part he would not object to the officers being relieved even oftener than at present, provided the ships were kept in commission. At present it was unfortunately the interest of the First Lord to hinder an officer from serving his time. If he was not a favourite he could not hope to be allowed to do so. The consequence was that many of the best officers in the navy were, without adequate reason, made reserved admirals. To such an extent, indeed, had that mode of dealing with officers been carried, that he was not sure whether the service would not benefit from the active and reserved admirals being made to change places. We had, at the present moment, ninety-nine active admirals, and we ought to have an admiral of the fleet. Why he had not been appointed he did not know. It had always been the custom that the senior admiral should be that officer. Well, the next senior officer to him was Sir Charles Ogle, whose father and grandfather, in their times, were admirals of the fleet. Next, we had twenty-five retired admirals, 105 reserved admirals, and ten pensioned admirals with £150 a year each. We had four Greenwich Hospital admirals. The late Sir Robert Peel gave a retired list. The first condition required to get on that list was when a man got to the top of the list, and had reached sixty years of age. But now a man only fifty-five years of age was put upon the reserved list. For every officer made an active admiral several were placed upon the reserved list, and he had no hesitation in saying that of the reserved admirals many were more vigorous than some of their so-called "active" brethren. [Sir C. Wood: "No!"] No! Let the right hon. Baronet look there (pointing to Admiral Walcott) for an example. Because that hon. and gallant officer could not serve his time—though he went down on his knees to the First Lord of the Admiralty—though he was well known to be a good and able officer—he was made a reserved admiral. The present system, in short, was like knocking a man down and then punishing him for falling. He was not an alarmist, but he saw the danger the country was in. The First Lord of the Admiralty had told them that France was equal to us in ships, and superior to us in men. It was time, therefore, that something should be done, and instead of reducing the number of our men to 33,000, there ought to be at least 50,000 voted by the House of Commons.

LORD CLARENCE PAGET thought the statement of the First Lord of the Admiralty in some respects most satisfactory. He was a reformer and an advocate for economy in the navy as in every other department of the public service; but he thought that, after having induced men to leave their other occupations and serve in the navy for ten years, it would be a positive disgrace if we were to discharge them, when they wished to remain, without giving them a proper gratuity. The right hon. Baronet had made a clearer statement of the condition of the navy than they were generally accustomed to hear from the First Lord of the Admiralty; but he was of opinion, that the House was entitled to receive much more detailed information with respect to the vast sums which were to be expended in the construction of ships of war than it had yet done. He looked in vain in the Estimates for anything like a detailed statement of that expenditure. No less a sum than £2,000,000, embraced under two Votes, was to be expended in the wages of artificers and in materials for building men-of-war. The House did not know how that money was to be spent, and, although he had the greatest confidence in the First Lord and the other members of the Board of Admiralty, he thought the House should be furnished with some information upon that point. He was one of those who thought that line-of-battle ships were not destined in any future war to play the great part which they had done in former wars, inasmuch as the relative powers of smaller vessels were now much greater than those of larger ships. He did not, however, wish to see all the latter burned or destroyed, as it would be still necessary to retain a certain number of them to act as flag-ships, and as the public offices of the fleet; but the number of them should be reduced in comparison with former wars. The First Lord of the Admiralty had stated, that in 1817 we had 117 line-of-battle ships, whereas at the present moment we had only forty-two. The fact was, however, that we had fifty-one, for the nine screw block-ships which the First Lord had excluded from his enumeration of ships of the line were among the most effective of our screw line-of-battle ships. They were the only ships that fired a shot in the Baltic, where the great line-of-battle ships were of no use whatever, and lay off looking on; and he believed, that had Sir Charles Napier been supplied with gun-boats, he might have damaged Cronstadt very considerably. All his own experience went to show that line-of-battle ships were not now so important an arm in war as they formerly were. Formerly line-of-battle ships carried heavier guns than other ships, but now every corvette, sloop, and gun-boat carried heavy guns, and he was convinced that no force of such ships could withstand the legion of gun-boats, sloops, and corvettes which they saw at Spithead last year. He thought, therefore, that instead of increasing our line-of-battle ships to the number at which they stood at the close of the last war, the First Lord of the Admiralty should call together a Committee of naval officers in order to ascertain their opinion as to what class of ships ought to be added to the present strength of the navy, as being the most economical, and at the same time likely to prove of the most effectual service to the country. As reference had been made to the French navy, he might state, that he held in his hand a list of their screw line-of-battle ships with which he had been favoured by the French Minister of Marine. He should not read the names of the vessels which that list contained, but would merely inform the Committee that they amounted altogether to thirty-one, so that the number of our steam line-of-battle ships was nearly double that of our allies. He was of opinion, therefore, that the right hon. Baronet the First Lord of the Admiralty might with great propriety rest upon his oars, and take the opportunity of consulting members of the naval service before he proceeded to add to the number of those vessels. He would strongly urge upon the right hon. Gentleman the establishment of a Committee of naval officers with that view, as they had done in France. He had the best authority for saying that there was sitting at the present moment in France an *enquête* or commission of that description, the great object of whose inquiry was to ascertain whether line-of-battle ships were or were not the most efficient class of ships which could now be employed. Under these circumstances, he was not about to oppose the Estimates, and he had every confidence in the Admiralty; but he would ask the right hon. Gentleman, before he went on building—for he knew it was the intention of the Admiralty to bring up the screw line-of-battle ships to the number we had before the war. [Sir C. WOOD: No, no!] But, however that might be, all he asked him was, to pause and receive the opinions of naval men on this subject. He should not weary the Committee by entering into technical details to prove why, in his opinion, line-of-battle ships were not the instruments by which in future the fate of empires would be decided. Among other defects, they had not at the present day that amount of stowage which they possessed in the time of Nelson, when a blockade might be made an almost interminable proceeding, and when our men-of-war used to lay off Toulon for four months without moving. Our vessels now could hardly carry four months' provisions on board. The ship which he himself commanded, for instance—as good a one as any in the service—could only carry four months' provisions under hatches. The circumstance of the stowage being of that contracted character would, of course, also operate against our line-of-battle ships affording accommodation for a large number of troops, as was the case in the time of Napoleon, who had observed that if he could only command the Channel for forty-eight hours he would subjugate this country. He might, however, come to our shores at the present day with seventy or eighty ships of the line, and yet not be enabled to effect a landing in the face of that noble fleet of small vessels which the right hon. Baronet had given within the last few years. In conclusion, he should again urge upon the right hon. Gentleman the expediency of nominating a Committee of naval men such as that to which he had adverted, to consider the kind of ships which ought to form the majority of our naval forces.

MR. BENTINCK said, he thought that the Committee must have listened with great pleasure to the clear statement of the right hon. Baronet. He confessed that he had received considerable satisfaction from that statement, especially from that part where he said it was the determination of the Government not to reduce the strength of the navy. He (Mr. Bentinck) was one of those who thought that the power and safety of the country depended upon an efficient navy. He believed that that unwise economy practised in former years, at the instigation of certain hon. Members, was the principal cause of that reckless extravagance to which the Admiralty had been driven upon the outbreak of the late war, in consequence of the utterly inefficient state in which the navy was found upon the late emergency. He trusted that we should never again see a similar state of things. He hoped that the Government would never again allow themselves to be influenced by such doctrines, professed by a small section of Members for the purpose of creating political capital for themselves—doctrines which might be characterised as the penny-wise and pound-foolish policy. As an example of the result of that unwise economy, the expense attendant upon the Transport service alone during the last war was enormous. If, instead of listening to the remonstrances of that particular school of gentlemen to whom he had just referred, and speaking of whom he might observe that the recent election had pretty well shown that their principles were not much in accordance with those of their respective constituencies—if, instead of listening to the unwise economy which they recommended, it had been the practice of the Government to build even two transports every year during the last thirty years, the country would have been saved the expenditure of many millions of money during the late war. There was only one other subject to which he wished to direct their attention—a subject upon which the House had already pronounced its opinion. The right hon. Baronet might remember that on a former occasion he had called their attention to the want of means for coaling men-of-war in Plymouth. It appeared that there were several plans before the Admiralty at that time. The right hon. Gentleman quite admitted the extent of the want, but said that the Government were not then prepared to undertake the expense of improving Plymouth Sound in that particular. Now, he asked whether, upon a question of such importance, the sum of money required to be expended ought to have been considered? Taking the English navy as a steam navy, and recollecting the enormous expense which the country had recently been put to in establishing it—looking to the contingency of a recurrence of such an emergency as the late war, he submitted that it was most unwise economy on the part of the Government to leave the principal port of the country in such a state of inefficiency. He thought that that was the moment when the attention of Parliament ought to be given to this subject. He hoped that the Government would take immediate steps to remedy the evil.

MR. WARRE said, he wished to have some information as to how soon the Admiralty contemplated raising the number of the coast-guard from 8,000, the point at which it at present stood, to 10,000, which was the estimated amount of that force for the future. He had listened with gratification to the encouraging account given by the right hon. Gentleman with regard to the naval coast-guard volunteers, because he knew that in one case the system had not been successful. With regard to the system of a reserved list of Admirals, it might work well, but in some cases it worked ill. A case had lately occurred in which Commodore Trotter, who was actually in command of a station, was, on account of his not having served his time, placed on the retired list. He should also like to know whether the appointment of captains to the eleven men of war which were to be employed upon the coastguard service had been filled up, and in what proportion those vessels were to be employed on the coasts of England, Scotland, and Ireland. If hon. Members would look to the end of the Navy Estimates they would find another illustration of the saying that it was expensive to procrastinate, and that what was done in a hurry was seldom done well. The Secretary for the Admiralty, in asking for a vote of £30,000 stated—

> "I am commanded by the Lords Commissioners of the Admiralty to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that my Lords have found that many of the gunboats which were built with great rapidity for the pressing service of the late war have been built of green wood, and are likely to be exposed to great damage by premature decay, unless they can be taken out of the water, and their timbers exposed to a thorough draught of air."

He believed that great credit was due to the Admiralty for the display of naval forces at the naval review at Spithead, but when the history of our naval campaign against Russia came to be written, he thought it would be said that the Admiralty ought to have been provided with gunboats at an earlier period, and that the undue haste in which they had been built, had caused them to be unfit for service.

MR. W. WILLIAMS did not yield to any hon. Member in a desire for the efficiency of the navy. The navy was our true safeguard against danger, but a vast expenditure had taken place upon it, and yet hon. Members were perpetually talking of the inefficient condition in which it was placed. The right hon. Gentleman (Sir C. Wood) must have been at a loss to defend the most extravagant Estimates which had been brought forward since the termination of the French war, when he compared the present Estimates with what they were during the last war with Russia. If they were compared with any year of peace the disproportion would be seen. He would take the year before the war with Russia. The Estimates for 1852-3 were prepared by the right hon. Member for Portsmouth (Sir F. T. Baring) and adopted by the Government of Lord Derby, with an addition of only £113,000 made by the Duke of Northumberland. These Estimates in the last year of peace before the Russian war were £2,175,000 less than the Estimates for the present year, and yet this was the second year of peace. He maintained that there was no necessity for this increase. They were told the navy was in an inefficient state, and that we were unprepared when the last war broke out, and yet there had been expended upon it since the termination of the French war a sum of £250,000,000. Why had not this enormous amount been so expended as to keep the navy in an efficient state? If half this amount had been properly expended we should have at present the most efficient navy that this or any other country had ever seen. He had seen valuable comments in the most influential newspaper in this country upon the administration of the navy. It was said that our ships were built three times over, and this statement was perfectly true. He had no objection to an increase of sailors, but he wished to see some economy in regard to officers. We had 302 admirals unemployed, nine in commission, and three in our dockyards. During the war with Russia only eighteen admirals were required for the whole of our fleets all over the world, and yet we had 302 admirals on the list. In 1851-52 there were only 220 admirals. Why did we want eighty admirals more now than we had six years ago? If he went back to 1837, he found only 148 admirals on half-pay, giving us 154 admirals now more than we had in 1837. With regard to the marines, he could not understand why 15,000 marines should be required for 33,000 seamen, when only 16,000 marines were required for 60,000 seamen in 1855-6. In 1841-2, when a difference arose with France, the seamen were raised to 32,500 men; but in that year there were only voted 10,500 marines. This increase of marines was in truth only a surreptitious means of increasing our standing army by 4,000 or 5,000 men. So large a number could not be required for the use of the fleet, and that was the only object for which marines could properly be wanted. The cost, too, of the superior officers of the marines was very great. He found there were no less than thirty-four generals of marines, although he could not remember that a general officer had ever commanded the marines in active service. Then there were seventy-three staff officers of marines, each of whom had to command only 205 men, while the general officers had little more than 400 each, if divided among them. The number of post-captains at present was also considerably larger than in 1852. Their number then amounted to 553, while now it was 586. Of all the items of expenditure that for the dockyards had been the most extraordinary. He could not understand how so much money had been required. During the last five years that expenditure had amounted to £16,036,000. For that sum the number of ships ought to be three times as many as the right hon. Baronet had stated. He wished to know what had become of our ships, because none had been sunk or destroyed, and none had been seriously damaged. In the late war we had an enormous fleet, but no sea fighting. The First Lord of the Admiralty wanted to frighten the House with a comparison between the French and English fleets, but the experience of past wars showed that, with the courage and enterprize which distinguished Englishmen, England had always been, and always would be, superior to any naval power which could be brought against her. During the late war, in addition to the French fleet, there were the Dutch and the Spanish fleets, the joint number of the ships in which far outnumbered those possessed by us. Yet those fleets had been destroyed; and he did not doubt the same result would follow with respect to others in any future war. He thought, therefore, that the present rate of ship-building in our dockyards was altogether extravagant. He found, from the returns before the Committee, that a number of the officers who were receiving half-pay held high official situations, for which they received salaries. Amongst them were three or four Lords of the Admiralty, who were receiving salaries of £1,000 each, besides allowances of £200 for residences. He had always understood that when half-pay officers were appointed to situations with higher salaries their half-pay ceased. It was a perfect waste of time to discuss Votes composed of such vast items. If only one Vote were proposed—to give the gross amount to the First Lord to spend as he thought proper—the result would be precisely the same. He ventured to assert that when the accounts of these seventeen Votes went into the Audit Office, not one would be expended according to the amount voted. Some would be a great deal less, and others a great deal more, and what was left on the former would be applied to make up the deficiencies in the latter. The whole thing was a farce. The Estimates ought to be referred to a well-selected Committee, and he should have made that Motion if one-third of the Estimates had not been already voted by the late Parliament. Believing that it would lead to a great saving of expense, he should certainly make that proposition in the next Session, if he had a seat in the House.

Sir FREDERICK SMITH did not agree with the gallant Admiral who had spoken, that we could not man a fleet to go to war with France. He had seen our fleet in the different ports of the country, and he had come to a very different conclusion, and he hoped that the First Lord of the Admiralty would be induced to grant the Commission suggested by the gallant Officer (Lord C. Paget), because he believed the report it would give would confirm what had been adopted by the Government. It was clear that if other countries built line-of-batte ships, we must do so likewise. Contrary to the opinion of several hon. Members, he believed the naval service to be popular, and our ships of the best description. The gallant Admiral said, there was no army to defend us in case of invasion. There was generally some warning of the breaking out of war; he believed that neither France nor Russia, nor any other Power, could attack us without our being able to bring the militia under arms in sufficient time to meet the enemy. He must say, that he never saw any Estimates prepared with greater care than those which the right hon. Gentleman had laid before them that night, but he would suggest that in the next there should be a statement of the vessels under construction in juxtaposition with the statement of the sums for construction of docks and other buildings. As to generals of marine there were no such officers. When officers of marine were appointed generals, they became generals of the regular army. With regard to officers on half-pay receiving larger salaries than their half-pay, it should be remembered that the half-pay was for past and the salary for present services. It was clear, therefore, that if you employed an officer in other than naval and military duties, you must pay him for the services thus rendered in addition to his half-pay.

SIR JOHN TRELAWNY said, it was possible the Estimates might be quite correct, but the House ought to be quite satisfied on that point. At present they had no means of knowing what became of the money voted. There was no efficient audit. He could not admit the correctness of the policy suggested by the hon. Gentleman opposite of building two transports a year. If that course had been adopted, we should now have had the dockyards full of rotten ships. Ships which would have been good transports twenty or thirty years ago would not be fit for colliers now, when the coal trade has begun to be conducted in screw vessels. As it was, many of our old ships were rotting faster than if they were actually in use, and it would be almost cheaper to burn them; certainly, it would be better economy to sell them than to keep them as they were now. It was remarkable that, according to the report of the Forests Committee, the country actually could not afford to buy its own timber for shipbuilding purposes. We had voted millions years before the late war broke out; and yet when that event occurred, the gallant Admiral below him (Sir C. Napier) was unable to strike the blow, which he might otherwise have done, for want of gun-boats. There was one practice which prevailed in the navy, and entailed great expense, which he thought should be avoided in future. He alluded to the custom of dismantling ships at the expiration of the term for which they were commissioned. A ship on her return home is generally in fair condition—often in splendid order—and it is easy to keep her so. He thought that if they were then in an efficient state they should be recommissioned "all standing," in place of fitting out other ships at great expense. Sailors had told him that it would make your hair stand on end to see the manner in which the national property was treated when a ship was paid off. Excellent materials, such as good new rope, were cut and hacked to pieces to show how smart the crew are in dismantling their craft. He thought that the constant comparisons made between the French fleet and our own would have a very bad effect. We had free institutions, free discussion, and a free press; we had 200,000 men in our mercantile marine; and we did not think we should be wanting to ourselves, or that we should be found unable to cope with any other nation, if the occasion should arise. Sailors could be always obtained if sufficient inducements were only held out. But the rewards offered when the gallant Admiral (Sir C. Napier) was going to the Baltic were inadequate, and the consequence was, that they were obliged to put any riffraff instead of good seamen on board the fleet, and the gallant Admiral was compelled to put to sea with men, some of whom were not fit to reef topsails. Before the late war broke out, he (Sir J. Trelawny) remembered that gallant Admiral remarking to him in private that the Russians had thirty line-of-battle ships in the Baltic, and that great evil would ensue from the unwise mode of proceeding adopted by England in not being prepared with suitable vessels for a great war. Failure at length came, and the gallant Admiral was illtreated and made the scapegoat for the sins of others. Both the "ins" and the "outs" in that House were, he was sorry to say, indisposed to assist in the reforms which were requisite in our naval administration. The "ins,' because they did not like the trouble of inquiry; the "outs," first, because they had memory and recollected the things they were concerned in when in office, and feared, that if the things that were now done were too sharply criticised, what they had done would be sharply criticised also. Besides, they also looked forward to another taste of the sweets of office. He observed, therefore, that old officials, who had been behind the scenes, and were well acquainted with the subject, were generally silent during these discussions, and left them to those who, like himself, were as ignorant as new-born babes of the secrets of the service, and incapable of selecting the proper objects of attack. One thing that pleased him in these Estimates was, that the labour of the convicts was to be employed to a considerable extent; for he believed that under proper management such labour might be rendered profitable. It was said that these high Estimates were to be justified by the fact of our having two wars on hand; but he has told his constituents that, if he had been in the House he should have voted with respect to the China war with Mr. Cobden; therefore he washed his hands of that, and did not admit the fact of that war as a justification of the present high Estimates. About the Persian war he said nothing, because we had not the facts before us. Without the employment of the coast-guard there could be no doubt that the fleet under Admiral Napier could never have got to sea in time for the first campaign in the Baltic. But in considering the propriety of looking to that force as a regular source for the supply of seamen to the navy on an emergency, it should be remembered that a very good coast-guard man might make a very bad sailor, and if they withdrew the coast-guard men who had acquired a knowledge of the localities where they were stationed, and of the people in the neighbourhood, they would again give, as he believed they had in the last war given, great facilities for smuggling. He thought the case of the masters in the navy was well worthy of the attention of the House. There were what were called two lines in the service. However well conversant with his profession—however competent to command or navigate a ship—a man coming up from the lower grades, and arriving at the rank of master, stopped there without any hope of promotion, the higher grades in the navy being reserved for the aristocracy, while in the army a man might rise from the ranks to be a general. We had many useless functionaries in our dockyards. He did not believe that there was any necessity for admirals at the head of the establishment at Chatham, Devonport, and Pembroke. They were not practical ship architects, and did not in any way tend to render more efficient the real business of the dockyard. The superintendent of a shipbuilding yard should be a man practically conversant with naval architecture. The superintendent of a hospital should be a first-rate medical man. The superintendent of a victualling-yard should be a first-rate commissariat officer, not a naval captain or admiral, liable, in his turn or on promotion, to give up his office to a new comer with all his business to learn. For purposes of discipline a port-admiral and flag-lieutenant are quite sufficient. He believed, too, that great waste took place under the head of "old stores;" and he believed that if they had applied to a mercantile firm, they might have got the gun-boats laid up, and properly taken care of, at a much less expense than the sum of £20,000, which was taken for that purpose in the Estimates. He trusted if a Committee were appointed, all these matters would be taken into consideration. He apologized for addressing the House at greater length than they might have thought the occasion justified; but, in doing so, he had fulfilled a promise he had made to his constituents, that he would use his best endeavours to see that the public money was economically expended.

SIR CHARLES WOOD, in reply, stated that steps were being taken to supply seamen with a uniform dress, on the same terms on which they bought the rest of their clothes. The Government had left the appointment of cadets by captains of ships where they found it. But in reply to the question asked by the hon. and gallant Member for Christ Church (Admiral Walcott) he would state that they intended to establish at Portsmouth and Devonport training ships, where the cadets might be prepared for service at sea, and to which cruising brigs should be attached, so that they would not go to sea without possessing much more instruction than they did at present. It had been said by the hon. and gallant Admiral the Member for Southwark (Sir C. Napier) that not more than 400 men had been received from the mercantile service at the time of fitting out the Baltic fleet last war. He was not then at the Admiralty, but he knew that in two years upwards of 16,000 men and 4,000 boys were added to the naval forces, and he did not know where they came from, unless a great part had come from the merchant service. He quite concurred in the policy of recommissioning ships which were still in an efficient state for service, instead of dismantling them and fitting new ones. The best proof of that was that they were doing it. The *Boscawen*, which had just returned from the West Indies, had been recommissioned without any repairs or alterations. Although the contrary had been asserted in the course of the debate, it was perfectly immaterial to the First Lord of the Admiralty whether he appointed new officers to a ship which was paid off, or appointed them to a new ship. The gallant Admiral (Sir C. Napier) had made some observations on the number of the admirals on the retired and reserved list. The object of that list was to reduce the number of captains so as to get officers of moderate age for admirals. It was impossible to lay down any rule for effecting this object which would not operate more stringently in some cases than in others; but a rule of some kind, having the same object, and necessarily liable to the same defects, prevailed in every service—the French and American, for instance,—as well as our own. And, for his own part, he preferred the rule adopted at the Admiralty to that of these latter countries. The result of the operation of that rule was, that we are now getting admirals of a reasonable age. Formerly, no post-captain became an admiral under thirty years' service; the next admiral to be made would be the first who had attained the rank after being only twenty years as post-captain. The post-captains, instead of being far above 500 in number, as was the case at the time the rule came into operation, were now only 382. When they were reduced to 350, the number fixed by the order in council, some check would be placed upon the operation of the rule for transferring officers to the retired list. The noble Lord (Lord C. Paget) had said that the block-ships were the most efficient ships in the Baltic. It was true that, on account of the light draught of water, they and the gunboats were so in that case; and that they would be so in the case of operations on our own coast. But they would not be safe vessels to send across the Atlantic. They could not keep their place in a cruising squadron. They were admirably fitted for the defence of rivers or harbours, and it was accordingly intended to station them in the Mersey, Shannon, Humber, &c., as training ships for the naval coast volunteers and coastguard men. He had never said, as had been supposed, that we must bring the numerical proportion of our ships to those of the French up to what it had been during the last war. All he said was, that when our line-of-battle ships only exceeded the French by two, that was not the proportion that our fleet should bear. The hon. Member for Norfolk (Mr. Bentinck) had referred to the propriety of having a coaling depot at Plymouth. He should be glad to propose one; the only consideration was the money that would be required for its establishment. The heavy expenditure which was now taking place upon our navy was rendered necessary, not to keep up a sailing navy, but to substitute a steam navy for a sailing navy. A similar revolution was going on in the merchant service—changes of the same description were being made in every branch of manufacture. He recollected going though the mill of a friend at Leeds, who told him that not an atom of the machinery he saw there had been in existence ten years before. They must keep pace in the Queen's service with what was going on in the merchant service and in every department of industry throughout the country. His hon. Friend behind him asked about the coast-guard. The Act of Parliament sanctioned the employment of 10,000 men, but he did not think it wise to take a Vote, in the first year for so many, and he only took a Vote for 8,000. If he found the experiment successful he should take a Vote, next year, for the remaining 2,000. It intended to commission eleven ships for the coastguard service. Nine only had actually been commissioned; of these, seven were for the coast of England, one of them stationed on the coast of Ireland, and another on the coast of Scotland. There were also two ships in course of preparation, one of which was intended for the northern coast of Ireland and the other for the west of Scotland, where there was at present no coast-guard whatever. The hon. Member for Lambeth (Mr. W. Williams) said he did not see the necessity for so many new ships, and said that none had been sunk or lost. That was true; but the old ones had become obsolete. A complaint had been made that some of the gun-boats had been made of green timber. There was no doubt that in the great hurry in which they were built in the merchants yards, some green timber was used. It was to prevent the necessity of having to use green timber that it was desirable always to keep a large quantity of timber in store. Then the hon. Member for Tavistock (Sir J. Trelawny) had expressed an opinion that it was not necessary to have a superintendent at the various ship-building yards. No doubt a shipwright was the most proper person to superintend the building of a ship, but what they wanted was some person to control the sailors, to superintend the whole of the ships in ordinary, and the rigging of the ships in port, and to give a general superintendence. He ventured to say that no dockyard could go on well unless they had an officer to superintend the whole of the establishment, and the head of no department could superintend the whole. The port-admiral had quite enough to do without going into the detail of the dockyard.

Vote *agreed to;* as were also the following Votes—

(2.) £1,349,333, Wages.

(3.) £533,922, Victuals.

(4.) £84,217, Admiralty Office.

MR. W. WILLIAMS observed that £1,600, part of this sum, was stated to be the yearly salary of the Admiralty Solicitor, and that £1,000 was paid for his office and assistance of clerks. He should like to know what were the duties which the Solicitor had to perform calling for so large an expenditure. He also wished to have some information about the next item—namely, £4,000 for the expenses of the Marshal of the Admiralty Court, &c.

ADMIRAL DUNCOMBE said, the late Mr. Hume had frequently urged that the official residences of the Lords of the Admiralty should be converted into offices of that department, and as he concurred in that view, he wished to know what had been done in that respect. He thought that the late appointment of the Assistant Secretary of the Admiralty was the most unfortunate that could have been made. To make use of a common expression, the wrong man was put in the wrong place. He had retired, however, and he hoped that the present appointment would be more fortunate.

SIR CHARLES WOOD, referring to the complaints of the hon. Member for Lambeth as to the Admiralty Solicitor's salary, said that, as legal questions connected with the Admiralty were constantly arising, it was necessary for the Admiralty to have the constant assistance of a Solicitor. The appointment was made several years ago. The salary of the Solicitor included that of the clerk, but it had been found necessary to engage an Assistant Clerk in consequence of the accession of business consequent on the war. So in like manner the expenses of the Marshal of the Admiralty Court were increased by questions relative to prizes. Since last year the house of another naval Lord had been given up for the use of the department, and now the First Lord, along with one naval Lord and a Secretary, resided at the Admiralty. When any pressure occurred he (Sir Charles Wood) was frequently called up in the middle of the night to receive despatches and to give orders, and it was considered advisable that two Lords of the Admiralty should be actually upon the spot. With regard to the late Second Secretary to the Admiralty (Mr. Phinn), he was a most efficient and valuable public servant, but he had relinquished his appointment under the belief, as he (Sir Charles Wood) understood, that it would be more advantageous to him to return to practice at the bar. He (Sir Charles Wood) was exceedingly sorry to lose the assistance of that gentleman, but he had endeavoured to supply his place in the best manner he could by appointing to the vacant Secretaryship Mr. Romaine, who had distinguished himself in the Crimea as Judge Advocate.

SIR CHARLES NAPIER asked if it was the intention of the Government, in the plan for the proposed new public offices, to make any provision for removing the civil department of the Admiralty from Somerset House to the new buildings.

MR. BERNAL OSBORNE stated that the Surveyor of the Navy now occupied the house in which Captain Milne, one of the Lords of the Admiralty, formerly resided. Mr. Osborne then said, desultory as the criticisms and discussions on the Naval Estimates necessarily were, he had been somewhat surprised and pained to hear the gallant Admiral opposite (Admiral Duncombe) introduce into this discussion an element which, in his (Mr. Osborne's) opinion, had no connection with the question before the Committee. That hon. and gallant Member had taken upon himself to say that the choice of his (Mr. Osborne's) late friend and colleague, Mr. Phinn, was an unfortunate one. He (Mr. Osborne) would venture to say, on the contrary, that the choice was in every respect most fortunate, and there were few persons who had done themselves greater honour and credit than Mr. Phinn during the short time for which, he regretted to say, that gentleman had held office. He (Mr. Osborne) thought the course pursued by the gallant Admiral was most ungenerous, that he had not possessed himself of the facts of the case as he ought to have done before bringing it forward. The office, as he (Mr. Osborne) knew, was pressed upon Mr. Phinn, who did not accept it without great hesitation. Mr. Phinn was not a candidate for the appointment; indeed, he distinctly refused it twice; and while he held the office he discharged its duties in a manner which, had the gallant Admiral been better informed on the subject, he would have been one of the first to acknowledge. Mr. Phinn resigned the appointment in order to resume his profession. He (Mr. Osborne) was unacquainted with that gentleman's private reasons for the course he had taken, but, doubtless, he thought that he could more easily obtain an independency by means of the profession he had originally adopted. What he protested against was the hon. and gallant Admiral's taking advantage of his position in that House to characterize Mr. Phinn's appointment as an unfortunate one. In reply, he (Mr. Osborne) begged to say that there could not have been a better appointment.

ADMIRAL DUNCOMBE observed that the hon. Member for Dover was so high an authority in that House that he supposed he must consider himself very unfortunate in differing from him. He (Admiral Duncombe) begged to say, however, that he never hesitated to express either in that House or elsewhere any opinion which he entertained. He took no advantage of his position in that House. He stated what his opinion was, and so long as it was his opinion he should state it there or anywhere else.

MR. C. W. MARTIN, as a very near relative of Mr. Phinn, begged to thank his hon. Friend the Member for Dover for having defended him so kindly and generously. He (Mr. Martin) believed that the statement of that hon. Gentleman was perfectly justified by the conduct of his relative, who had for some years occupied a seat in that House with credit, who had raised himself to a good position at the bar, and upon whose character from his earliest years he defied any man to cast the slightest imputation.

SIR WILLIAM CODRINGTON observed that the Lords of the Admiralty and other naval officers received their half-pay in addition to their official allowances; and he wished to know why the same principle was not applied to the retired officers in Greenwich Hospital, who were in a very similar position?

SIR CHARLES WOOD said, the subject had been more than once discussed in that House, and was at present under the consideration of the Treasury, but he could not answer the gallant Officer's question until he was informed of their determination.

Vote *agreed to;* as was also

(5.) £118,150, Coast-guard Service.

(6.) £33,091, Scientific Departments.

SIR JOHN TRELAWNY questioned the necessity of so large an aggregate amount as £33,091 for the "scientific branch."

SIR CHARLES WOOD did not think the charge unreasonable, when it was considered that chronometers were purchased and repaired for the whole fleet.

SIR JOHN TRELAWNY observed that chronometers, when carefully kept, would last for thirty years: we ought by this time to have myriads of them.

SIR JAMES GRAHAM said, he had abstained from making any observation on the statement of the First Lord of the Admiralty, which was unusually clear, and which seemed to him to be very satisfactory. All his reasons for the whole scheme appeared to be good. He only rose with respect to a matter of detail in the present Vote. He wished to ask the right hon. Gentleman what was the object of the expedition to explore the River Tchadda, for he thought, after the experience they had of central African expeditions, they ought not to be too ready to repeat such experiments.

SIR CHARLES WOOD believed that the expedition in question was wholly unconnected with the Admiralty. It had been recommended by the Secretary of State for the Foreign Department, under the sanction of the Treasury, and was conducted by them independently of the Admiralty, with the view of facilitating the suppression of the slave trade by establishing legitimate traffic. As, however, the Under Secretary was not in the House, he was afraid he could not give them any further information.

SIR JAMES GRAHAM said, that the loss of life in such expeditions had already been excessive. There was also another matter to which he wished to call his right hon. Friend's attention—namely, the Vote for the survey of the River Thames. For the last twenty-five years, he had been annually hearing of surveys of the Thames, but he had not yet seen any result from these operations.

SIR CHARLES WOOD admitted that the survey had been going on for some time, and every year it was discovered that the sands were shifting. Consequently a survey which might have been accurate nine or ten years back would not be accurate at the present time.

Mr. WARRE did not think that the expedition which had been referred to would be attended with any loss of life. The African river had already been successfully ascended, and one of the native chiefs said that he would be glad to see the Europeans, but unless they came at certain periods it would be vain to expect that any regular course of commerce could be opened.

Mr. STAFFORD regretted that the First Lord of the Admiralty was not able to give a clearer answer to the question put to him by the right hon. Member for Carlisle than by stating that the Member of the Government in whose department this expedition originated was not in the House, and that the item, though it appeared in the Admiralty Votes, did not belong to the Admiralty. He should not have noticed this matter now if it had not been that the same thing so frequently happened last Session that he had to appeal to the First Lord of the Admiralty to prevent its recurrence. He was ready to bear testimony to the clearness of the right hon. Gentleman's statement on the Estimates, and he hoped that upon the Report the right hon. Gentleman would give some explanation on this point.

Sir CHARLES WOOD said, an Estimate would be submitted to the House for the expenses of the expedition in a fitting form, and that would afford a better opportunity for explanation.

Mr. CAIRD thought there might be good reasons, perhaps, in the present state of the finances, for not sending out expeditions in search of guano; but when such an expedition as that referred to by the right hon. Member for Carlisle was approved by the Government, he conceived that the hon. Member for Montrose (Mr. Baxter) had a fair claim in favour of an expedition for so important an object as the discovery of guano. He (Mr. Caird) did not ask for any additional expenditure for the purpose, but he found that foreign surveys were going on in many localities where it was natural to suppose that guano might be discovered, and all he asked was that the Government should give to the officers instructions to make the search for guano one of the objects of their expeditions. In the list of foreign surveys, there was one on the coast of Egypt and the Red Sea, which was a rainless region, where it was natural to suppose beds of guano and nitre might be discovered. It was, therefore, only fair to expect that the officers engaged in explorations in that quarter should be desired to turn their attention to the subject. On the south-east of Africa there was also an exploration going on. Now, on the south-west coast of Africa many large beds of guano had been found, and it might be expected that the expedition on the south-eastern coast would also be successful in finding similar beds, if the attention of the officers were directed to the subject. The right hon. Gentleman had said that in the south-west of the Pacific our officers had instructions to make guano one of the objects of their search, and he believed that, under the directions of the right hon. Member for Carlisle, the officers in the Pacific had long had their attention turned to the subject. The result, however, had not been marked with success, though not because there was no guano to be found, for recently there had been made by the Americans a valuable discovery of guano deposits on two of the Polynesian Islands. One hundred tons of it had been brought to this country, and four sent as a sample to New York. Perhaps if offers of rewards were held out, our officers might meet with the same success as the Americans. There was another expedition in the river La Plata; and from that quarter they might reasonably look for information respecting guano, because there was even a better chance of meeting with it there than on the coast of Patagonia, where some deposits had been found. Without asking for additional expenditure, he trusted that the Committee would impress on the Government the importance of making a search for guano a matter of special instruction to officers engaged on foreign service.

Sir CHARLES WOOD quite agreed with the hon. Member as to the extreme importance of making a search for guano, and the hon. Member would find in the instructions addressed to naval officers at different times the fullest directions given for that purpose.

Vote *agreed to.*

(7.) Motion made, and Question proposed, "That a sum, not exceeding £92,224, be granted to Her Majesty, to complete the sum necessary to defray the Salaries of the Officers and the Contingent Expenses of Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1858.

SIR JOHN TRELAWNY, referring to the observations he had already made upon the want of proper encouragement to masters in the naval service, said that he had not yet received any reply from the right hon. Baronet. He also took exception to the appointment of the captains superintendent of the different dockyards, and urged that a more practical set of men should be selected for these situations. He thought, for example, that masters in the navy would be well qualified, from their previous habits and general attainments, to discharge the duties required of the superintendents. He wished to get rid of the present superiors, and with this view he should divide the Committee upon the Vote.

SIR CHARLES WOOD suggested that, instead of dividing against the Vote, his hon. Friend should move as an Amendment to reduce it by the sum paid to the superintendents of the different yards. He hoped, however, that the Committee would not agree to such a proposition, because he was persuaded that a department, to be well managed, must be under the control of an efficient superintendent, and no one was so well fitted for that office in a naval establishment as a naval officer.

SIR JOHN TRELAWNY did not object to superintendents, but he objected to the class of men who were appointed to the situation. In order to test the opinion of the Committee on the subject, he should move as an Amendment that the Vote be reduced to £800, the sum paid to the captain superintendent of the Deptford dockyard.

MR. W. WILLIAMS supported the Amendment.

ADMIRAL WALCOTT believed that the proposition, if agreed to, would be very prejudicial to the service.

Motion made, and Question put, "That a sum, not exceeding £91,424, be granted to Her Majesty, to complete the sum necessary to defray the Salaries of the Officers and Contingent Expenses of Her Majesty's Naval Establishments at Home, which will come in course of payment during the year ending on the 31st day of March, 1858."

The Committee *divided:*—Ayes 3; Noes 215: Majority 212.

MR. W. WILLIAMS said, that, notwithstanding the adverse Vote of the Committee, he could not refrain from calling attention to the fact that the Estimate for the seven dockyards in this, a year of peace, exceeded the sum voted in the last year of war.

Original question put, and *agreed to.*

The next Vote (8.) £15,423, Naval Establishments Abroad was *agreed to.*

(9.) £584,390, Artificers at Home.

SIR JAMES GRAHAM said: I wish to offer a few observations to the Committee with respect to this Vote. I cannot say that I am at the present moment prepared to propose a reduction of it, and yet I think it my duty to call the attention of the Government and of the Committee to certain circumstances which are made apparent by the Vote. In the discussion which has taken place with regard to the number of men employed in the fleet, my right hon. Friend stated how painful had been his duty in reducing the number of effective sailors. With my noble and gallant Friend the Member for Sandwich (Lord Clarence Paget) I rejoice to hear the assurance he gave to the Committee that perfect good faith had been observed towards the continuous-service men on the part of the Government, and that there was no intention to force them to go on shore without fulfilling, in the most rigid manner, the engagements of the public towards them. The discussion with regard to the number of ships and the class of ships which ought to be built is a very important one, but every consideration with regard to the efficiency of the navy is secondary when compared with that of having at all times available a sufficient number of able seamen to man these ships. Various steps have been taken in successive Parliaments, all having this object in view. The arrangements with regard to the coast-guard, and those adopted with reference to the Naval Coast Volunteers, all have been directed to the attainment of this end; but nothing that has been done appears to me so likely to be conducive to it as the progressive increase in the number of continuous-service men. If I might venture to express an opinion, I should say that I do not think it is so desirable to vote a large number of continuous-service men, who are well trained in every respect to their profession, as to enter, year by year, a large number of apprentices, for the purpose of passing them through the navy in time of peace as rapidly as possible, and thus creating a numerous body of effective seamen. Your object is to have ablebodied men, and to have the power of putting your hand upon them whenever war and the necessities of the service require that they should be had; and that can only be done by giving them early pensions when they retire. I know that such a system would be expensive; but if in time of peace you reduce the number of trained men who have served seven or ten years, there would, I think, be no outlay so good for the public as to grant those men small pensions even in the prime of life. To come to Parliament for such a purpose would be a most legitimate course, and this House, if well advised on the subject, would not, I think, demur to it. But I will not discuss that point now. I only hope that in the gradual operation of lessening the number of men voted during the war, it will be possible to reduce the number of continuous-service men without any breach of faith, and to add to the number of pensioners ready to serve at call and on the shortest notice. If, however, the Government should be prohibited by a forced regard to economy from entering into engagements with these men on their retirement, the matter does not assume the same shape when we come to discuss the system pursued in the dockyards. From Vote No. 8, it appears that the number of artificers and labourers employed in these yards amount to 10,850. And, so far from any reduction being effected, the number voted for the present year is identical with that voted in the year antecedent—that is to say, that, though this is the second year of peace, no reduction whatever has been effected in the number of artificers and labourers. If Gentlemen will look at page 51 of the Estimates, they will find a detail of the men employed, with their occupations; and it will there be seen that it is proposed to keep up as a peace establishment a body of 4,000 shipwrights, being identically the number employed during last year. This brings us naturally to the consideration of the subject mooted by my noble and gallant Friend the Member for Sandwich (Lord Clarence Paget). It is of the last importance that the question which he raised should be decided with reference to the class of vessels, on which this large amount of labour is to be employed. My noble and gallant Friend said he wished this question could be referred to a commission of naval officers. But I know no Commission of naval officers more competent to decide the question than those who constitute the Board of Admiralty. Unfortunately, we have not here a naval officer connected with that Board, to take part in this discussion; but, at the same time, in the absence of any such officer, I must express my opinion that Sir F. Berkeley, Admiral Dundas, Admiral Eden, Captain Milne, and Sir Baldwin Walker form a Commission of naval officers as competent to advise my right hon. Friend the First Lord of the Admiralty on this great point, which I admit is one of vast importance, as any body of officers that could be collected. I must also say, that I should be glad to see my noble Friend the Member for Sandwich on that Commission of the Board of Admiralty. His personal reputation, his great talents, and his hereditary claims entitle him to give an opinion of the utmost weight upon this question; and, though he spoke somewhat disparagingly of large line-of-battle ships, yet during the last war he commanded one of the largest of them, and no officer engaged in that war gained a more deserved reputation than my noble Friend. The question he has this night raised is one worthy of the most mature deliberation, and so far as I am able to judge, my right hon. Friend at the head of the Board of Admiralty gave a wise and prudent answer to that question. I do not think it would be expedient to stop building line-of-battle ships, and line-of-battle ships of the largest class. Whatever may, in the abstract, be the prudent course to follow in that respect, while the great maritime Powers, our rivals, both in Europe and America, continue to build ships of the largest class, it is not prudent for us, with a due regard to our maritime superiority, to abstain from doing the same. That it is a question of proportion and degree, I concur in opinion with my right hon. Friend; and I agree with him that we ought to have an ample supply of vessels of every class. Certainly at the commencement of the Russian war it was a great misfortune that the building of gun-boats and mortar-vessels had been discontinued. When the war began the great strain upon our efforts was to find a sufficient force of line-of-battle ships to meet the Russian fleet should it come out, which, though it did not include many screw ships, comprised no less than thirty ships of the line, and to that point our efforts were urgently and successfully directed; but the deficiency of small vessels was a most serious deficiency. My right hon. Friend recognizing that deficiency, did make great exertions to supply the want, and at this time we are in the happy position of those who, along with the construction of leviathan ships have also built an ample force of gun-boats and other effective vessels of small size. On the technical point I cannot give a positive opinion, though I believe that both on foreign service and in the defence of our own shores these vessels may be employed even against the largest ships; but if we are called to struggle for our naval superiority in the Atlantic, the Mediterranean, or still more distant seas, I do not believe it will be possible to supersede the necessity of having large fleets and ships of a great size, as well as those of a secondary class. But to return to the point from which I have somewhat gone astray. I cannot help thinking that the number of 10,800 artificers and labourers in the navy, including 4,000 shipwrights and 760 boiler-makers, whose appointment was much discussed in the Committee on the Naval Estimates some years ago, is too great a number to be retained in time of peace. One of the recommendations of the Committee to which I have referred, in the case of boiler-making, was that these artificers should only be employed in repairs, and that the manufacture of the boilers in these yards should not be attempted. I must take leave to suggest, subject to the opinion of my right hon. Friend, whether in another year, when the pressure from the war is not so great, it will not be matter for serious consideration how far this large Vote may not be susceptible of reduction, with a view to the economy of the public service. There is another point to which I wish to draw the attention of my right hon. Friend. At page 51 there is given a statement of the number and description of the workmen employed in the steam factories at Woolwich, Sheerness, Portsmouth, and Devonport, and there is a detail of the factory account giving the subdivisions of the various dockyards. Now, I should have thought it possible to have given a similar return with reference to the victualling yards, which would have been very satisfactory. By such a statement being given in detail, the House of Commons will be better able to exercise a wholesome supervision over that portion of the Estimates. My right hon. Friend has stated to the Committee no doubt ample reasons why the reduction has not been carried to the point at which matters stood in previous years; but, entertaining the opinions I do, and having due regard to the great importance of keeping up the number of effective seamen at any cost, still I am axious on the part of the public to see that counterbalanced by carrying on the business of our dockyards and factories with a due regard to economy.

SIR ERSKINE PERRY wished to ask a question with regard to the wages paid to the men employed in the yards. He believed his right hon. Friend had been obliged to raise the wages of many of the dock operatives, but had he gone far enough? The labourers in the yards were paid at the rate of 12*s.* a week, the same rate at which they had been paid for thirty years. On a former occasion the First Lord of the Admiralty had stated that the rise in the wages of these labourers was not on account of the rise in provisions, but on account of their having been placed on job or task work; but in the Admiralty order, the rise in provisions was given as one of the reasons of the increase. The same rise in provisions was still going on; many of the articles of consumption, such as leather, coals, butter, were very much higher in price; and, following out the Admiralty order, there ought to be a still further increase of wages. The Admiralty had been obliged to increase the wages of the skilled labourers in several branches, and it would be well, if before any great clamour should arise, if the Admiralty came to the conclusion that unskilled labourers ought to participate in the rise. His constituents complained, too, that the clerks in the Admiralty who drew up the Estimates adhered so strictly to their old traditions that they never mentioned such a place as Devonport dockyard. It was always unpleasant to the inhabitants of a place to have it called by another name than its own, and if there was any name by which the people of Devonport would dislike their town to be called, it was by that of Plymouth.

MR. P. W. MARTIN said, he had ascertained that in the county of Warwick the average rate of wages for labourers was 12*s.*, which was just what unskilled labourers had in Her Majesty's dockyard; but there was this difference that, in Warwickshire, a labourer's cottage could be had for £4 or under £5 a year, whereas it was impossible to get a decent lodging in Woolwich, Chatham, or Rochester, under £7, £9, or £10 a year. He thought that the case of ropemaker's labourers was deserving of special consideration. He had been told that the smiths in the dockyards had had their wages raised to 15*s.*, because they could not leave the yard in the day time, but were obliged to stay to keep the forges in; but the ropemakers, who were in a similar position, and under the same disadvantage, were allowed only 12*s.* Hon. Members could form no idea of the distress that now prevailed at Woolwich.

MR. SERJEANT KINGLAKE, believing that the unskilled workmen were ground down to the lowest possible point, deemed it his duty, as Member for Rochester, to raise his voice for them. The number of men employed at Chatham was 1,778, and the amount voted for them was £106,778, which was about £30,000 less than last year. The sailmakers and ropemakers and spinners, paid in the Queen's yards 3*s.* 6*d.* a day, were paid in private yards 5*s.* a day. Now, if this continued to be so, the country would lose the benefit of the best workmen, and the result would be that ships would be lost through ill-construction; and the country would not be satisfied when it was found that our artisans were ill-paid. Though he was an advocate for retrenchment in the public expenditure, he hoped it would not begin with the wages on which labourers were dependent for the maintenance of themselves and their families.

SIR FREDERICK SMITH fully concurred in the opinion that the wages paid to the mechanics were inadequate to the labour performed. The smiths in the dockyard at Chatham were very inadequately paid, and they had very arduous duties to perform, as the fires were never put out, and they had few opportunities of going to their homes.

SIR GEORGE PECHELL thought the case of Portsmouth might be added to those of Woolwich, Plymouth, and Chatham. Leaving that subject, however, he rejoiced that the Government meant to retain that valuable body, the petty officers and able seamen. He also wished to bear testimony to the activity, zeal, and abilities of the first naval Lord of the Admiralty (Admiral Berkeley), who had done much to make our seamen well paid and well clothed, and to whom we were mainly indebted for the organization of the coast volunteers. He regretted that he was not present to witness the triumphant reception of these Estimates, and hoped that he would not long be absent from the House. As to building the enormous "screw liners," he could not, as a professional man, express his doubts as to their efficiency. The gigantic guns were very difficult to manage.

SIR WILLIAM CODRINGTON rose to add another dockyard to the list of complainants. He could not agree with those who thought that the wages of artisans in the Queen's yards should not be so high as the wages of artisans in private yards, because there were advantages in the Queen's yards. But the disproportion should not be so great as to place the Queen's workmen at a disadvantage. The wages should be such as to command the best class of workmen; but looking at the wages received by agricultural labourers, he thought they ought to receive more than 12*s.* a week.

MR. TOWNSEND, as a new Member, rose to address the House, and claimed a patient hearing as the Member for Greenwich. He supported the claims of the artisans in the Royal shipyards (referring particularly to Deptford), and he trusted that the Government would give the matter their serious consideration, as it was impossible for men to support their families on the wages at present given.

SIR CHARLES WOOD said, he was very glad that the conduct of the present Board of Admiralty had received the approbation of his right hon. Friend the Member for Carlisle (Sir J. Graham), than whom no one was better qualified to pronounce an opinion on such a subject. In reply to his right hon. Friend's observations as to the non-reduction of the number of artificers in consequence of the peace, he (Sir C. Wood) must remind him that the number of these men borne upon the establishment was not increased during the war. In point of fact, the number of men which he proposed to vote this year was not so large as the number voted in 1845. The addition made during the war was effected by hiring extra artificers of all kinds. In 1845 the number of men borne on the books of the dockyards, exclusive of the factories, was 10,872; in 1848 it was 12,500; in 1849, 10,092; and in the present year it would be 10,850, being slightly less than the number voted in 1845, a year during which no particular exertions were required. As regarded the factories the case was different. The increasing number of steam-ships rendered necessary the employment of an increased number of smiths and artificers. In the case of boiler-makers the increase was still more necessary, from a Resolution which had been arrived at by former Boards of Admiralty to have a larger proportion of boilers constructed in the Government yards, in consequence of complaints that had been made of those supplied by contractors. The only other point which it was necessary to notice was that which had been so strongly urged by the representatives of dockyard boroughs—the payment of labourers; and, from the discussion which had taken place that evening, the House could form an opinion of the pressure which was brought to bear upon the Admiralty in any attempt to reduce the expenditure of the nation. The facts were these :—Before the war broke out, all persons, artificers and labourers, were paid by day-work, but when the pressure of war came, it was found requisite to stimulate exertion by offering payment for job-work. It was also necessary to give additional pay to those who superintended the artificers and labourers, and who were called upon for additional exertion. When peace came, there was a gradual recurrence to the old system, but there was no sudden discharge of the men who had been taken during the emergency of the war. Some three months' notice was given of the intention to reduce the establishment, and that length of time given to men to find employment elsewhere. With respect to those men who were upon the strength of the dockyards before the war, it had been found necessary in some cases—such as shipwrights—to raise the rate of pay if it was desired to retain the best men, and in regard to the wages in private yards inquiries were now being made. But he would remark, that no rule could be founded on the result of these inquiries as to wages, since they varied very much in the several ports of the kingdom. Comparisons had been also made between agricultural labourers and the workmen in the public dockyards. It must be remembered, however, by the Committee that the wages of agricultural labourers were not permanent, like those of dockyard labourers, and, moreover, they had not the advantages of medical assistance and pensions, which gave a great advantage to the latter. As to the rate of wages paid to shipwrights in private yards, it was impossible to ascertain any general rule by which the Admiralty could be guided, but the Government was only anxious to do justice to all persons whom it employed, while at the same time it paid due attention to the interests of the public.

Vote *agreed to;* as was also the next Vote.

(10.) £33,383, Artificers Abroad.

(11.) £895,450, Naval Stores.

SIR GEORGE PECHELL called attention to the manner in which coals were wasted on board steam-ships in the navy, and trusted the First Lord would take into consideration the means of lessening the consumption.

SIR HENRY WILLOUGHBY said, that when the Naval Estimates were before Parliament in the early part of the year, the noble Lord the Member for the City of London had pronounced them to be on a very extravagant scale; he could not share in that opinion, but if any extravagance could be attributed to them, it would be upon the present and the following Vote. It did appear to him, that the sum for naval stores was a large one. During the last three years, speaking in round numbers, no less than £8,000,000 had been voted for naval stores, and of that sum £7,000,000 had been voted in the last two years. What he wished the right hon. Gentleman the First Lord of the Admiralty to explain was, how the Committee could exercise any judgment upon the subject without knowing something about the stock in hand. They had, however, no means of knowing anything upon that subject. The amount required for the present year was unparalleled in time of peace, and required some explanation. Another question, well worthy the attention of the Committee was, what became of the "old stores" that were no longer of any use. He had been informed that stores which had been sent to the Crimea, and which had not been used, had been sold as old stores. In fact, he had been told that a deputy-paymaster, in reference to the subject, had said, "Oh! we can live a long time on old stores." If such were really the case, it appeared to him that it was something like buying in a dear market and selling in a cheap one, a process by no means for the benefit of the public. If a principle of economy was to be introduced, the present was the year for commencing it, and the large Vote for naval stores did not appear to him a good commencement. He believed, if the present expenditure were sanctioned, they would have to vote fresh taxes next year. He thought also that it would be desirable to have it expressed in the Estimates how much was actually required for naval purposes—he meant war purposes—and how much for miscellaneous purposes.

Mr. KINNAIRD was glad attention had been called to the manner in which the stores were disposed of. Several bales of excellent rugs were lately announced for sale as old stores; they were perfectly sound and had only one defect, that it was illegal for the Government to sell new stores, a small cut was therefore made in the centre of each, and they were pronounced to be old stores.

Sir CHARLES WOOD said, that he hoped to give the hon. Baronet some satisfactory explanation on the subject of stores. He had already stated this evening, that during the war there had been a great consumption of stores, and it was therefore necessary during the present year to take a larger Vote than would be required in subsequent years, in order to place the stores in hand on the same footing that they stood upon before the war. In the item of timber alone, of which it was necessary to keep a large stock for building ships, in the year 1852 the consumption had been 18,734 loads; in 1853, 20,289 loads; and in 1856, 40,000 loads. Now, the shipbuilding timber in store in 1855 had been 63,500 loads, and in 1856, 56,900 loads, so that there was a deficiency of nearly 7,000 loads, which it was necessary to replace. The contracts also for timber, like most other contracts, extended over two or three years, and it would have been most improper on the part of the Government if they had left the yards below their regular establishment of timber for shipbuilding. It was necessary, also, to keep a large stock to have it properly seasoned. The same reasons applied to other articles, such as hemp, canvas, and copper—especially to copper—a very large quantity of which had been used in the construction of gun-boats, and which it was necessary to replace. It was hardly worth while to go into the details of the different items; but that was the reason which applied to all the heavy stores. Every means had been taken to diminish the consumption of coal in the navy, and the most stringent orders had been enforced, as far as they possibly could, both on account of economy, and for the sake of efficiency. All the officers commanding steam-vessels were obliged to keep an account of the number of hours during which they had used steam as their motive power, and the circumstances which had rendered its employment necessary or expedient, and such an arrangement necessarily operated as a check against the unnecessary consumption of coals for propelling purposes. Many steam vessels had in consequence made long voyages under canvas. As an instance of the anxiety of commanding officers to carry the instructions into effect, he might mention that the *Urgent* had made a large portion of her voyage from Barbadoes under sale, though having troops on board. With respect to the sale of old stores, great quantities of stores were sent to the Crimea which were not wanted for the army, and which, if they had not been sold, would have rotted in the warehouses; they had, however, as far as possible, been employed for the navy. His hon. Friend the Member for Perth (Mr. Kinnaird) had referred to a particular case, in which it would appear that stores had been injured in order that they could no longer be considered as new, and that an excuse might be afforded for disposing of them. He (Sir C. Wood) could only say that he had no knowledge of the facts of that case, and that it was impossible that he could at that moment give any explanation with respect to it. He had received the following letter from the head of the Store Department in the Navy with regard to the alleged sale of stores:—

> Somerset House, Feb. 14.
>
> "Dear Sir,—It is not true that while we have been selling provisions returned from the army in the East, we have been purchasing the like stores for the use of the navy; but, on the contrary, we have appropriated to the service of the navy all such articles returned from the army as were found fit for and could be consumed in the navy.—I remain, dear Sir, yours faithfully,
>
> "Thomas T. Grant.
>
> "The Right Hon. Sir C. Wood, Bart., G.C.B."

He hoped that letter would be satisfactory to the Committee as showing that there had been no undue waste of stores in the navy.

Mr. W. WILLIAMS said, he had reason to believe that a quantity of prepared cocoa returned from the Crimea had been sold for the Government at the rate of 40*s.* per cwt. at a time when they had been paying 79*s.* per cwt. for unprepared cocoa. He had also been informed, on the most exceptionable authority, that a small quantity of coals, belonging to the Government, worth about £40, had been left behind at a distant station, and had been kept there for three years, while a salary of £100 a year had been paid to the person who had charge of them.

SIR CHARLES WOOD observed that it was perfectly impossible for the head of any department to answer assertions of that kind without having received previous notice of them. If hon. Gentlemen before making such statements would have the kindness to inform him of them, he would make the requisite inquiries, and then he would be in a condition to give an answer.

MR. BOOKER-BLAKEMORE remarked that the right hon. Baronet had given a satisfactory explanation with respect to timber and coal, but had omitted to state his reasons for reducing the Estimate for steam machinery from £600,000 to £345,000. Was the right hon. Baronet sure he was right in making so large a reduction in one of the most important branches of the navy? He could not understand how, if the Government were honestly determined to maintain the efficiency of our naval armaments, they could propose in the first year of peace to reduce the expenditure for steam machinery. He would earnestly entreat them not to allow any pressure to induce them to cripple our fleet of steam vessels, the chief source of our national strength; but that they would pay the closest attention to what was going on in America and other countries.

Vote *agreed to.*

(12.) £378,415, New Works.

AN HON. MEMBER asked for an explanation of the vote of £1,000 for the construction of a tunnel under Picola Marina at Malta.

SIR CHARLES WOOD said, that it had been found necessary to construct the tunnel in order to enable the labourers in the dockyards to pass with facility from one dockyard to another.

MR. HENLEY complained of the large amount which had been expended in the purchase of timber. He believed that some had been used for the purpose of making what were called gun-boat slips, those slips having been considered necessary in consequence of the gun-boats having been built of green wood. He should wish to know whether they had been built by contract or not.

SIR CHARLES WOOD said, that the greater portion of the gun-boats had been built by contract in the yards of our merchants, where there was not sufficient seasoned timber for the purpose.

SIR JOHN TRELAWNY complained that the contractors for removing mud from the harbours and basins were in the habit of discharging it into the tideways.

SIR CHARLES WOOD said, that when such cases were discovered the contractor was fined.

SIR JAMES GRAHAM said, he quite concurred with the hon. Gentleman opposite (Sir H. Willoughby) that the vote under the consideration of the Committee was one which required to be closely investigated. He wished to put some questions to his right hon. Friend the First Lord of the Admiralty with respect to it, to which he had no doubt he would be able to give a satisfactory answer, and which it would, perhaps, be for the convenience of the Committee that he should put at once, in order that his right hon. Friend might be able to reply to them by means of a single statement. The first question which he desired to ask related to the large outlay of £160,000, which it was contemplated to make at Chatham for the first time. He could well understand the prudence of expending even a considerable sum of money upon the repairs of our steam machinery, but he was of opinion that, upon the whole, Sheerness had been most judiciously chosen for the purpose, and the outlay in that quarter having been commenced, he should confess that he was somewhat surprized that a large outlay had also been entered upon at Chatham. He also found £56,000 down for Pembroke, and £30,000 for a new iron foundry at Portsmouth. That was a subject on which he desired to have some explanation; and he should also wish to learn something with respect to the proposition which appeared upon the Votes for the purchase of new land with the view of completing the works at Keyham. He might also remark that the powder magazine at Bull Point had already cost a sum amounting to £147,000, while it was proposed to lay out upon it for the current year a further sum of £25,000. He had hoped that the endless outlay for the breakwater at Plymouth would have been brought to a conclusion before now, yet it appeared that a further sum was necessary for the purpose, while a vote of £20,000 was asked for widening and lengthening the docks at Pembroke. These were matters upon which he thought the Committee had a right to expect some further information.

MR. MAGUIRE said, he wished, before the First Lord of the Admiralty replied to the right hon. Baronet's questions, to call his attention to the circumstance that, while it was proposed to expend the enormous sum of £600,000 upon different works in England, £1,500 only were to be voted for carrying out a similar object in Ireland. That he (Mr. Maguire) regarded as a policy unjust towards the sister country, and dangerous to the public service. The result of that neglect had been, that one of the finest harbours of refuge—Queenstown—which the united kingdom could boast, had been turned to no account whatever, notwithstanding that Admiral G. Sartorius had given it as his opinion that it was highly expedient that both a naval station and a dockyard should be established in that quarter, instead of having them all in a cluster, when an enemy may sweep down upon them in a night. The right hon. Baronet the Member for Carlisle could bear testimony to the advantages which it possessed; for, while engaged—during his official visit to the south of Ireland in 1853—in laying the foundation stone of the Admiralty pier at Queenstown, one of the largest vessels in the empire had entered the harbour at low water. He should, for those reasons, strongly urge upon the First Lord of the Admiralty the propriety of directing his attention to the subject of converting Queenstown into a harbour of refuge. At present, in case of vessels being driven by distress into this harbour, there were no means of assisting them at the command of the Government; the steam-tugs belonging to the merchant service were employed, and it was often a mercy that the vessels were not lost.

Mr. BOOKER-BLAKEMORE drew attention to the necessity of making a survey, and taking precautions to protect the commerce, which had so much increased, on the coast of South Wales.

Sir CHARLES WOOD said, that it was proposed to employ convict labour to a considerable extent at Chatham. A convict prison had been built near the outer wall of the dockyard, and a great deal of work in stacking timber was about to be done by the convicts. Sheerness was situated in such an inconvenient position that he was disinclined to expend money in works there, but a great deal had been spent, and it was necessary to be able to fit and repair vessels that came in there. Some heavy expenses were necessary at Chatham, and he hoped to be able to construct there, as at Portsmouth, places in which the gun-boats could be brought up. Almost the whole of the expenditure for Pembroke was a re-vote, as it was found impossible to execute the works within the year. It was found necessary to widen the dock there to admit the larger vessels now built. The Votes for Keyham were for the most part in execution of the designs already approved. He hoped to provide a place there where the gun-boats might be drawn up, and also to erect barracks for the sailors. With regard to the foundry at Bull Point, that was established in consequence of an understanding when the foundry at Keyham was given up. The Vote for the breakwater at Plymouth was a supplementary estimate. It was found that the force of the waves was so great that the largest stones were lifted and thrown over the breakwater, and it was therefore necessary to alter the construction. The amount already voted was £26,000, the Vote now required was £13,000, and the further estimate to complete the work was £36,000, making a total of £75,000. With regard to the proposal about Queenstown, the works now in progress in the existing dockyards required so large a sum that until they were completed he could not hold out any hopes of undertaking large works in Queenstown harbour. With respect to the suggestion of the hon. Gentleman (Mr. Blakemore) it was intended that one of the coastguard vessels should remain in the Bristol Channel, but lying there was found to be so dangerous that the vessel was ordered to Milford Haven.

Sir JAMES GRAHAM regretted the reduction of the marines from 16,000 to 15,000, as he thought that it was of the last importance that we should maintain, at least, the present establishment of marines. He was of opinion that in time of peace the marines should form the larger portion, if not almost the whole of the garrisons of some of the outports, such as Devonport, Portsmouth, Chatham, and Woolwich. But it was impossible to regard them in this light as apart from the army; and he thought it quite possible that some arrangement could be made with the Minister at War, so that the barracks hitherto occupied by the army at Devonport, Portsmouth, &c. should be given up to the marines. It appeared, however, that a very large Vote was taken for new barracks for the marines, both at Devonport and Portsmouth, and, he believed, at Woolwich, while in the Army Estimates there was also an outlay for additional barracks for the army.

Sir CHARLES WOOD said, that the marines had very good and extensive barracks at Woolwich, and it was not proposed to make any addition to them. With regard to Chatham, it had for many years been considered advisable to enlarge the marine barracks there, and it was proposed to be done by getting rid of a particular class of houses that existed near the barracks. With regard to Portsmouth they were building additional barracks for the army, and could not spare any accommodation for the marines. With regard to Plymoth he had given up to the army the Millbay barracks, and the army had given up to the navy a building and some land adjacent to the marine barracks. There again the present barrack were not sufficient for the army.

Sir CHARLES NAPIER said, that it seemed strange in a maritime country that the marines should be at Gosport instead of Portsmouth. He would suggest that the arrangement should be to put the troops at Portsmouth in barracks at Gosport, and to locate tbe marines in the best place for embarkation—namely, at Portsmouth.

Mr. HENLEY thought the answer of the First Lord did not go to the point. The right hon. Baronet (Sir J. Graham) wanted the soldiers taken away from seaport towns and the marines put in their place. The right hon. Baronet (Sir C. Wood) said there was no room for the marines, because the soldiers were there. But if the soldiers were not there, room might be found. There might be good reasons why the soldiers should be there, but the right hon. Baronet had not stated them.

Sir CHARLES WOOD had understood the right hon. Baronet (Sir J. Graham) to ask why an arrangement could not be made for the army to give up some barracks, and the marines to occupy them. His answer was that the present barrack accommodation was so bad that it was found necessary to erect new buildings.

Sir JAMES GRAHAM said the right hon. Gentleman (Mr. Henley) had exactly apprehended what he wished to convey. Assuming that in time of peace the garrison at Devonport consisted of 5,000 men 3,000 soldiers and 2,000 marines—it was suggested that henceforth there should be 3,000 marines and 2,000 soldiers. If there were accommodation for 3,000 soldiers and 1,000 were removed, to be replaced by 1,000 marines, he suggested that the 1,000 marines should occupy the barracks of the 1,000 soldiers.

Vote *agreed to;* as was also—

(13.) £20,000, Medicines.

House resumed.

Resolutions to be *reported To-morrow.*

Committee to sit again on *Wednesday.*

TRANSPORTATION AND PENAL SERVITUDE BILL.

CONSIDERATION AS AMENDED.

Bill, as amended *considered.*

Mr. WALPOLE wished to see the regulations proposed by the Home Office, upon which the working of the Bill must depend, before it passed.

Sir GEORGE GREY said, the regulations would depend on the shape the Bill would ultimately assume. No doubt, it would receive full consideration in the other House, and as soon as possible he would prepare the regulations.

Mr. HENLEY expressed a hope that the third reading would not be taken at a late hour.

Sir GEORGE GREY promised to give a fair opportunity for discussion.

Bill to be read 3° *To-morrow.*

BANKRUPTCY AND INSOLVENCY (IRELAND) [SALARIES, &c.]—COMMITTEE.

Order for Committee read.

House in Committee.

Mr. J. D. FITZGERALD moved Resolutions making provision for the payment of certain Salaries, &c. of the Bankrupt and Insolvent Court, Ireland, out of the Consolidated Fund; and for charging Stamp Duties in lieu of fees on certain documents therein, for the purpose of founding a Bill thereupon.

Mr. GROGAN desired explanation.

Mr. J. D. FITZGERALD said, that not a single new appointment would take place under the Bill.

Mr. BUTT asked whether the Bill would create any new salaries?

Mr. J. D. FITZGERALD replied in the negative. It would ultimately effect a permanent saving of between £4,000 and £5,000 per annum.

Mr. HENLEY inquired whether this eventual saving would not be purchased by an immediate increase of expense.

Mr. J. D. FITZGERALD said, the present increase would be very slight indeed.

Lord JOHN MANNERS was puzzled to know how, when an office was abolished and no new appointment made, there could be any increase of charge, unless, indeed, the retiring pension was to be larger than the original salary.

Mr. J. D. FITZGERALD said the increase was owing to the augmentation that must be made in the salaries of the Judges for having additional duties thrown upon them. The augmentation would amount to about £1,600 a year.

Mr. MACARTNEY thought it would be much better if the right hon. Gentleman had candidly announced the salaries that were to be paid under the new Bill. It would appear that Mr. Hatchell, a hale, stout gentleman, who was at present at the head of the Insolvent Court, was to retire upon his full salary of £1846 a year. Well, it would have been much fairer to have let that out at once. The better plan would be to refer the Bill to a select Committee to determine whether the junction of the two courts was advisable.

Mr. J. D. FITZGERALD denied that there had been any want of candour on his part, for the Bill had been before the public, and in the hands of hon. Gentlemen for nearly two years; and there was not a salary or retiring pension to be granted the full particulars of which were not detailed in the Bill. He also said, that the duties of two existing Judges would in future be discharged by one Judge, whose salary was to be raised from £1,500 to £2,000, on account of the additional work to be thrown upon him. The temporary increase of charge would be nothing like a moiety of the permanent saving.

Mr. BUTT confessed he could not see the saving in giving £1,000 a year to two Commissioners of bankruptcy for doing the work which one man was paid £1,800 a year for not doing.

In reply to Mr. Seymour Fitzgerald,

Mr. J. D. FITZGERALD said, there would be no increase on the present charge arising out of retiring pensions, because no officer retiring would get more than he had at present; but, in respect to the continued officers, namely, the Judges of the Bankruptcy Court and the officials of the Insolvent Debtor's Court transferred to it, there would be some increase of salary.

Mr. SEYMOUR FITZGERALD wanted to know what would be the total increase of charge in respect to those Courts, including compensations for the abolition of offices, increase of salaries, and retiring allowances.

Mr. J. D. FITZGERALD said, the

total increase of charge would be from £1,500 to £1,600 a year, including retiring allowances and all.

Mr. MACARTNEY reminded the Attorney General for Ireland that there were eight officers under the present system, but there would be thirteen under the new one.

Resolutions *agreed to.*

House resumed.

THE CASE OF CAPTAIN WOOD.

CORRESPONDENCE MOVED FOR.

Captain ARCHDALL moved an address for copies of all correspondence between Captain Wood, late Paymaster of the Battalion Depôt at Winchester, and the War Department, relating to office accommodation at Winchester, additional assistants, and resignation of the situation of paymaster; and, of a memorial dated the 3rd day of January, 1856, presented by Captain Wood to the Minister of War, the reply thereto, and of all correspondence consequent upon and relating to the said memorial and its contents.

Motion made, and Question proposed, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between Captain Wood, late Paymaster of the Battalion Depôt at Winchester, and the War Department, relating to Office Accommodation at Winchester, Additional Assistants, and resignation of the situation of Paymaster:

"And, of a Memorial dated the 3rd day of January, 1856, presented by Captain Wood to the Minister of War, the reply thereto, and of all Correspondence consequent upon and relating to the said Memorial and its contents."

Sir JOHN RAMSDEN said, the correspondence in question was purely of a departmental character, and it was his duty, on behalf of the Government to oppose its production. The case was only one of a great number of similar claims, which were always disposed of under a well-known and established regulation, and the Government were averse to make an exception to that regulation. The matter had been reconsidered carefully, but there was no reason for altering the decision already come to. It would be dangerous to the service to accede to the Motion.

Captain ARCHDALL said, he had moved for the correspondence on public grounds, as well as in consideration of the hardship inflicted on Captain Wood, and he trusted, that in justice to an old officer, the House would not consider the ground assigned for refusing its production by the hon. Baronet a sufficient one.

VISCOUNT PALMERSTON: I hope the House will not agree to the Motion of the hon. and gallant Officer; and I warn them that if they commence revising the decision of the War Office upon the claims of individual officers they will embark upon a sea of troubles to an extent of which, I am sure, they can have no conception. One great department of the War Office is daily and constantly employed in considering these personal claims. It forms an immense mass of business, and if the House of Commons erects itself into a tribunal of appeal against decisions of the Secretary for War upon claims of paymasters and regimental officers, I can assure the House that a large mass of matter will have to be printed which nobody will ever read. I hope, therefore, the House will not encourage these Motions.

COLONEL BOLDERO advised his hon. and gallant Friend to withdraw his Motion, but at the same time regretted that while in the Bill, which had just occupied their attention, a pension of £1,800 was about to be given to a civilian after merely four years' service, even half-pay was grudged to a military gentleman who had served his country for upwards of forty years.

Question put, and *negatived*.

INFANTRY AND CAVALRY.

REPORTS MOVED FOR.

SIR JOHN TRELAWNY moved—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House Copies of all Reports of the Inspectors General of Infantry and Cavalry, since the appointments of those Officers."

SIR JOHN RAMSDEN opposed the Motion, on the ground that the reports were of a confidential character, in which consisted their entire value.

SIR JOHN TRELAWNY was in the hands of the House, and would certainly persevere in his Motion if any disposition were shown for a division.

SIR WILLIAM CODRINGTON approved the reason given by Sir J. Ramsden against the production of the reports.

MR. P. O'BRIEN recommended the withdrawal of the Motion, as he did not think that the House was competent to decide upon military questions.

Motion, by leave, *withdrawn*.

MISSIONARIES OF BENGAL—PETITION.

MR. KINNAIRD moved, that the Petition of the Protestant missionaries of Bengal (presented in February last) be printed with the Votes.

MR. WILSON hoped the House would not agree to the printing of the Petition unless the hon. Gentleman intended to found a Motion upon it. Such was the rule.

MR. KINNAIRD said, several hon. Gentlemen had asked him for a copy of the petition, in order that they might thoroughly understand the subject, which it was his intention to bring before the House on a future occasion, and of which he had already given notice. That was the reason that he moved the printing of the Petition.

MR. HENLEY said, the Petition was represented to be as large as a pamphlet, and perhaps that was the reason that there might be a desire to have it printed at the expense of the House. Unless the hon. Gentleman opposite meant to bring forward a Motion on the subject, he would oppose the printing of the Petition, and he hoped the Government would adhere to the rule they had laid down, and not consent to the Motion.

MR. KINNAIRD said, the Petition was certainly long, for it included grievances which were brought under the notice of Parliament by a number of missionaries of all denominations assembled at Calcutta. He had already given notice of his intention to call the attention of the House to the allegations of the Petition on the 28th instant.

Motion *agreed to*.

Petition of Protestant Missionaries residing in and near Calcutta, in the Presidency of Bengal [presented 20th February] to be *printed*.

BLEACHING AND DYEING WORKS.

NOMINATION OF COMMITTEE.

MR. BUTT nominated the Select Committee on Bleaching and Dyeing Works.

Committee *nominated*—Mr. BUTT, Lord JOHN MANNERS, Viscount GODERICH, Mr. KIRK, Mr. BAXTER, Mr. MASSEY, Mr. FERGUS, Mr. CLARK, Mr. CHEETHAM, Lord NAAS, Mr. COBBETT, Mr. WISE, Mr. TURNER, Mr. A. ADDERLEY, and Mr. MOORE.

On Mr. ADDERLEY'S name being proposed,

MR. CAIRNS said, he thought that the Irish interest was not fairly represented on the Committee, he should therefore move the omission of Mr. Adderley's name, with the view of substituting that of Mr. Davison.

MR. FITZROY wished to suggest to the House that the appointment of numerous Committees on important subjects during the present Session was not likely to lead to any beneficial result. He observed that there were on the papers for that evening Motions for appointing three very numerous Committees on subjects of considerable interest. It was very unlikely, considering the period at which the Session would close, the numerous Election Committees that would have to be appointed, and the quantity of private business to be transacted, that Members could give full and due attention to many other important subjects, and prepare reports which would be likely to be satisfactory. He ventured to throw out this suggestion for the consideration of the House.

Motion made, and Question, "That Mr. ADDERLEY be one other Member of the said Committee," put, and *negatived.*

MR. PACKE nominated one other Member of the said Committee:—

Power to send for persons, papers, and records; Five to be the quorum.

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, May 19, 1857.

MINUTES.] *Sat First in Parliament.*—The Duke of Rutland, after the Death of his Father.
Took the Oaths.—Several Lords; several Lords took the Oath prescribed by the Act 10 *Geo.* IV., to be taken by Peers professing the Roman Catholic Religion.
PUBLIC BILL.—2ª Divorce and Matrimonial Causes.

THE MARQUESS OF WESTMEATH.—PERSONAL EXPLANATION.

THE MARQUESS OF WESTMEATH said, he hoped their Lordships would extend to him for a few moments the indulgence which they usually granted to one of their Members who had to make an explanation in reference to a matter in which his personal honour and character were involved. His attention had been directed to an article in *The Globe* newspaper of the preceding evening in reference to a Bill now on their Lordships' table, and which contained statements in reference to himself utterly false, and, as he believed, undoubtedly libellous. But as regarded their libellous character, he would not trouble their Lordships—that would be a matter which it would be for another tribunal to consider. But as regarded that part which concerned his honour, he wished to take the earliest opportunity of contradicting, in the most positive manner, a composition which had been sent about on the part of the lady who did him the honour of bearing his name, but who had left his house of her own account thirty-eight years ago, and who did not appear to be as yet content to leave her husband in peace. The statements in *The Globe* were founded on a pamphlet which had been going the round of certain newspapers, and which had been placed on the tables of the clubs, with the view of vilifying his character. Their Lordships might say that they had nothing to do with a private matter of that kind; but he would remind them that the statements in question had been put forward at that particular time, in connection with a Bill which was to be brought under their consideration that evening. It was on that account that he did not wish to lose one moment in stating that, when that Bill got into Committee, he would take the opportunity of meeting the whole of the statements to which he referred by a positive and irrefragable contradiction, which would show that every one of them was unfounded, and that they had been characterized by an amount of perjury and conspiracy which could never have taken place in any court in this country in which testimony was taken *viva voce.* In the Ecclesiastical Courts, and in those courts alone, with which their Lordships were now about to deal, and which for the sake of justice and for the sake of morality he hoped they were about to annihilate, could such proceedings as those of which he complained have been conducted. He had only to repeat that it was his intention at the earliest opportunity to meet those atrocious libels with the complete and indignant denial which they deserved.

THE ARMY IN INDIA—REINFORCEMENTS.—QUESTION.

THE EARL OF ELLENBOROUGH said, he believed that in consequence of the intelligence recently received from India, it would be satisfactory to the House and the public, if the noble Lord the Secretary for War would state what measures he intended to adopt for the purpose of reinforcing the army in that country with European troops.

LORD PANMURE said, that the intelligence recently received from India had not been such as to create any apprehension in the minds of Her Majesty's Ministers for the safety of our Indian empire. But at the same time, as it was intended that the expedition to China should consist of troops that had originally been destined for India, four other regiments would be ordered to proceed to the latter country in the course of the next five weeks. The reason why they were not to be sent out at an earlier period was, that if they were to leave England before the second week in June they would reach their destination at a peculiarly unhealthy season of the year. If it should unfortunately turn out that an increase would be required in the number of European troops usually stationed in India, the regiments who would in the ordinary course of things be relieved by those who were to embark from our shores in the month of June would be retained in that country. But he did not apprehend that any necessity would arise for the adoption of such a measure.

THE EARL OF ELLENBOROUGH wished to know what was the number of recruits that were to be sent out to India?

LORD PANMURE said, that the number of recruits to be sent out in June would amount to 4000.

DIVORCE AND MATRIMONIAL CAUSES BILL.—PETITION OF LADY BULWER LYTTON—EXPLANATION.

LORD LYNDHURST said, he found from the papers which had been laid on the table of the House that morning, in reference to the Divorce and Matrimonial Causes Bill, that a petition had been presented to their Lordships by Lady Bulwer Lytton, stating that she had forwarded to him a packet of valuable papers dated from Llangollen, in the year 1854, which she had not received back, and she prayed the House to order that a thorough investigation should be instituted into the matter, in order that she might have her property restored to her. Now, he should feel greatly distressed if it could be supposed for a moment that he had been guilty of any incivility towards Lady Lytton, or any other lady. He was quite sure that any such incivility would be quite foreign to his intention and his character. He would state in a few words the circumstances of that case. The lady had transmitted to him a very voluminous packet, containing many sheets of letter-paper covered in a very small hand, comprising the statement to which she referred. Her communication was dated from Llangollen, as she set forth in her petition. After the lapse of two months, he received a letter from Lady Lytton, begging that the papers might be returned to her. But by some accident he had mislaid her note, and as he did not, therefore, know her address, he had made up her papers and forwarded a letter for her to Llangollen, in which he stated that if she would have the kindness to send for the packet it would be delivered to her messenger. A short time afterwards he delivered the packet, sealed, to his porter, with directions that it should be given up to any person who should apply for it, according to the statement in his letter. In the course of a little time, he received a letter from Lady Lytton, stating that she had not received the packet, and expressing, at the same time, a surmise that it had in some manner or another got into other hands, and that it had, in fact, been purloined. All he knew, however, of the matter was that he had made up the packet, and that he had informed Lady Lytton that he would deliver it up to her messenger immediately on his describing it. That was a plain statement of the facts of the case as far as he was concerned. He knew nothing of what might have taken place at Llangollen, and he was not at all aware whether the surmise of Lady Lytton upon that point were or were not well founded. He was satisfied that he had himself acted correctly upon the occasion, and he was sure their Lordships would acquit him of any charge of having treated a lady with a want of proper courtesy.

THE CONTINUOUS-SERVICE SEAMEN. QUESTION.

EARL TALBOT said, that a rumour had gone abroad to the effect that the Government were about to discharge the continuous-service seamen; and as such a proceeding would involve a breach of faith on the part of the Government towards those men, he thought it extremely desirable that a contradiction of the rumour had been given on the preceding evening in another place; but he could not help entertaining some suspicion of the perfect correctness of that contradiction, as he found that in a circular issued from the Admiralty on the 13th instant, it was set forth, that "the continuous ordinary seamen are to be discharged on shore." He wished to know whether Her Majesty's Ministers could then furnish the House with any information upon the matter?

Earl GRANVILLE said, he could hardly conceive anything more detrimental to the public service than the prevalence of a belief that the Government had been guilty of a breach of faith towards the men whom it employed for the national defence; and he was, therefore, very happy to be able completely to contradict the rumour to which the noble Earl had referred. The circular to which the noble Earl referred, conferred a boon and not an injustice. The number of seamen had not been diminished to the amount at which it was proposed they should stand. By the terms of the enlistment, these men were bound, if they should quit the service, to pay the sum of £12. Now, this circular directed that such men as chose to quit the service should be allowed to do so without any payment at all.

DIVORCE AND MATRIMONIAL CAUSES BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR rose to move the Second Reading of this Bill. which involved questions of the deepest possible interest to society in general. Their Lordships would recollect that last year a Bill on the same subject—and which was very nearly similar to the present one—passed that House, but at a period of the Session too late to allow of its being passed in the other House of Parliament. In consequence of that failure he introduced during the short Session which took place in the early part of the present year a Bill founded upon the same principles, but differing somewhat in detail from the measure to which he now invited the attention of their Lordships. The progress of that Bill, however, like that of many others, was necessarily arrested by the dissolution; and it now, therefore, became his duty to invite their Lordships again to the consideration of this most important subject. He could assure their Lordships that nothing would induce him to submit a Bill which he believed would have the slightest tendency to shake the confidence of the country in the permanency, if not the absolute indissolubility, of the marriage tie. He believed that the fact of that tie being absolutely binding through life, except in very extreme cases, was the foundation of some of the best interests of society. Those who had paid attention to this subject would be aware of what had been the course of feeling, if he might so express himself, and the course of law and habit upon the question of divorce. Before the Reformation, when the Roman Catholic religion prevailed in this country as in the rest of Europe, marriage was considered as being absolutely indissoluble; it was regarded as a sacrament of the Church—an union so sanctioned by the highest authority of the Church as to be incapable of being touched or affected by any human tribunal. That state of things, though founded in some respects upon good sense—namely, upon the great importance of considering marriage indissoluble except in extreme cases—led to inconveniences of a very distressing character; the theory being pushed to the extremest length; the consequence was that, the absolute indissolubility of marriage being incompatible with the general feelings of society, a number of the most extraordinary devices, ridiculous in the extent to which they were carried, were hit upon in order to get out of the difficulty. Although it was a tenet of the Roman Catholic Church that marriages was indissoluble, yet it was at the same time held that certain circumstances preceding the marriage would render it invalid; that there might have been, for instance, what was called a pre-contract, or a contract for a prior marriage, impairing the validity of the subsequent union which it was desirable to dissolve. So, again, marriages could be contracted only where there was no consanguinity or affinity between the parties to render them illegal in the eye of the Church; and to such an extent was this notion carried that remote cousins could not marry without a dispensation having been previously obtained, and a marriage could be dissolved and a divorce, as we would call it, procured, by showing that there was some remote connection between the parties which rendered the union invalid. Lord Coke related that in one case a marriage was dissolved because the husband had stood godfather to the cousin of his wife. The effect of the Reformation was totally to change the feelings of the community upon this subject. Whereas, prior to that event, the doctrine of the Church had been that marriage was a sacrament and indissoluble, the opinion of the Reformers was that there was nothing of a sacramental nature connected with marriage, which, they thought, though under the sanction of religion, to be a mere civil contract which ought to be dealt with in the same way as other civil contracts,—namely, by considering what was most for the interests of the parties concerned. Accordingly, when Henry VIII. and Edward VI. issued the commissions to certain divines and laymen for the purpose of framing a new code of laws for the regulation of the community more suited to the altered circumstances and feelings of the people, under the influence of the Reformed Church, the Commissioners, presided over by Archbishop Cranmer, enumerated in their work entitled *Reformatio Legum Ecclesiasticarum* a great number of causes for which they thought divorce ought to be granted. Adultery on the part of either spouse was one of those causes; unjustifiable desertion was another; *capitales inimicitiæ* or deadly hatred a third; and there were several other cases in which, according to the opinion of those early Reformers, divorce might be prudent and advisable. Their recommendations, it is true, were never embodied in the form of law, but they showed what were the opinions and feelings upon this subject of the first Reformers, ecclesiastical as well as civil. Moreover, they were, to a great extent, in harmony with the feelings of the community, and the consequence was, that soon after the publication of the *Reformatio Legum* the doctrines which it propounded, though they did not become law, were practically acted upon by society. The first instance in which the doctrines were applied was the case of the Marquess of Northampton, who, having in 1550, obtained from the Ecclesiastical Courts a divorce *à mensâ et thoro*, and being anxious to marry again, the question arose whether, when the Ecclesiastical Courts had granted a divorce, it was competent to the parties to remarry—whether, in fact, a divorce *à mensâ et thoro* amounted to a dissolution of the marriage or not. A commission was issued to certain functionaries to inquire what was the effect of such a divorce, and the Commissioners reported that it dissolved the marriage. In the meanwhile, however, the Marquess of Northampton had decided the question himself by contracting a second marriage; and eventually, in order to legalize all that had taken place, an Act of Parliament was passed, confirming what had been done. This indicated that the opinion of our first Reformers was that the Ecclesiastical Courts had it in their power absolutely to dissolve marriage so as to enable the parties to marry again. There was a circumstance connected with the proceedings of those courts which strongly confirmed that view of the case. It was this—that in a divorce *à mensâ et thoro* the parties were required to enter into a bond that they would not marry again—implying that but for that security the nature of the proceeding was such as would enable them to contract another marriage. In that state of the law a case arose at the end of the reign of Elizabeth, in which the contrary doctrine seemed to be held. The case was that of a Mr. Foljambe, and it was then held that the effect of a divorce obtained in the Ecclesiastical Courts was not to enable the parties to marry again. He need not trouble their Lordships by going through the three or four cases which happened during the seventeenth century—the cases of Lord Roos, the Countess of Mansfield, and others—in which, divorces having first been obtained in the Ecclesiastical Courts, Acts of Parliament were subsequently passed to enable the parties to re-enter the marriage state. In two cases which occurred during the same period, no proceedings at all were taken in the Ecclesiastical Courts, but the marriages were dissolved and the parties permitted to marry again by the simple passing of Acts of Parliament. These precedents governed the practice of the whole of the last century, being followed more rarely in the early portion of it, and more freely afterwards. From 1715 to 1775 there were sixty Acts passed dissolving marriage, on account of the adultery of the wife. From 1775 to 1800 the number considerably increased, and amounted to two or three annually. In the first half of the present century, about two Bills a year had been passed for the same object. From the time when it was universally acknowledged that divorce by the Ecclesiastical Courts did not dissolve the *vinculum* of marriage, and that Parliament could pass Bills dissolving marriage, about 200 or 250 Acts had passed enabling parties, on account of the adultery of the wife, and, in some very few instances, on account of the adultery of the husband, to marry again. That fact indicated sufficiently that the feeling of the community was in favour of some reremedy for the wrongs of a husband whose wife was provéd to have committed adultery more effectual than that afforded by the law administered by the Ecclesiastical Courts; and that being the case, the question was how far the feeling of the country in favour of such a remedy was a reasonable feeling, and one to which the legislature ought to listen. He had set out by stating that he thought no measure could be more injurious, more calculated to interfere with the social welfare of the country, than one which tended to shake the solidity of marriage and the strength of the marriage tie. It was observed by a most able Judge and most powerful reasoner, Lord Stowell, that "the knowledge that persons united in marriage must continue husbands and wives often made them good husbands and wives, for necessity was a powerful master in teaching the duties which it imposed." To every word of that he most heartily subscribed, and he thought any one would be acting very unwisely for the interests of the community who proposed a measure which would at all weaken that principle. But all experience showed that when marriage was held to be indissoluble in cases of the adultery of the wife, some subterfuge was resorted to in order to supply the defect of the law; in Roman Catholic times, by pretending that the marriage was invalid, and recently by the parties obtaining a private Act to give the relief which the Ecclesiastical Courts could not give. It was a state of things which had been often complained of, and led, in 1850, to issuing a Royal Commission to inquire into the whole subject. That Commission was directed to persons of the greatest eminence, amongst others, to the present Lord Chief Justice (Lord Campbell), Dr. Lushington, Lord Beaumont, Mr. Walpole, Vice-Chancellor Wood, Mr. Bouverie, and Lord Redesdale. Having fully inquired into all the points at which he had just glanced, they made a Report two years afterwards. The course which they recommended, their Lordships were asked to adopt in the Bill which he had the honour of submitting to them. The Commissioners recommended that whereas the practice had been growing for a century and a-half or two centuries of invariably allowing the husband an Act of Parliament to dissolve the marriage if adultery on the part of the wife were proved, and relieving them altogether from the *vinculum* of the marriage, that state of things should no longer continue, but the law should be made to adapt itself to the practice and to what had been shown to be the wants of the community, and that a competent tribunal should be constituted, to do that which the Legislature had heretofore been in the habit of doing. The main object of this Bill was to constitute a court which should be competent to decree as a matter of right that relief in favour of persons who had just matter of complaint, which could now only be obtained by means of an Act of Parliament. The first question which demanded consideration was with regard to the mode in which the court should be constituted. The Commissioners recommended that the court should be constituted of a judge from the Court of Chancery (a Vice Chancellor), a judge from a court of Common Law, and an Ecclesiastical Judge. Substantially those recommendations were adopted in the Bill, except that, as these questions had hitherto come before the highest court, their Lordships' House, he proposed that the court should be constituted, not of a Vice Chancellor, but of the Lord Chancellor; not of a puisne Judge, but one of the Chief Justices, and of the Judge of the proposed Court of Probate. There were, of course, many details of the measure with which he need not trouble the House; but he would remark, that at the close of the last century, in 1798, Lord Loughborough, for the purpose of preventing abuses in applications to their Lordships' House for divorce, established certain Standing Orders which had been acted upon ever since. According to those Standing Orders, no Bill for divorce could be read a second time, unless there were laid upon the table the proceedings in the Ecclesiastical Court, whereby divorce had been obtained from that Court on the ground of adultery; and further, unless the party suing for divorce had established a *primâ facie* title by having brought an action of *crim. con.* against the alleged adulterer, and obtained a verdict—though with regard to the proceedings by action of *crim. con.* they were dispensed with if circumstances rendered it impossible the action could be brought. The consequence of these regulations was, that the whole of those disgusting and disagreeable questions had to be inquired into three separate times before the ultimate remedy could be obtained; for the proceedings in the Ecclesiastical Court were conducted according to the particular form of that court, the action for *crim. con.* was brought in one of the superior courts of common law, and tried in the ordinary way by a jury; and, finally, when the suppliant came to their Lordships' House, the whole case had to be proved over again by witnesses examined *vivâ voce* at the bar. To the investigation of the question on three different occasions there was the grave objection, if no other, that such complicated proceedings were too expensive for the pockets of any but the richest sufferers, and that relief was put beyond the reach of all but the wealthiest classes. He proposed, in lieu of those triplicate proceedings, that the tribunal he proposed to institute should thoroughly investigate the matter once for all; and he further proposed, instead of the inefficient mode of inquiry adopted in the Ecclesiastical Courts that the investigation should be conducted by *vivâ voce* evidence in open court, and that all questions of fact should be decided, save in exceptional cases, by trial by jury. He thought that would be the best, the cheapest, and the most expeditious mode, and the mode which would secure the greatest chance of giving satisfaction and arriving at the truth. He proposed, that on the husband complaining that his wife had been unfaithful to him he might come before the new tribunal, and on establishing his case, and establishing also the fact that there had been no improper conduct on his part—such as adultery, desertion, cruelty, or the like—he should be entitled to obtain at once a decree which would give him the same relief as he could at present obtain only by a private Act of Parliament. Since he first submitted this measure to their Lordships, he had received letters from various persons, complaining that the measure did not go far enough. There were many cases, it was said, short of the adultery of the wife, in which the husband ought to be entitled to relief. To those applications he had not thought it desirable to listen. Questions, for example, had been raised as to how far marriage was to be considered a subject on which the positive rule of Scripture prescribed what ought to be done. There were those who thought that, except for positive adultery, divorce should never be permitted. There were others who would give the text of Scripture a larger acceptation. He would not pretend to discuss the proper mode of interpreting the passages in question; but of this he was persuaded, that if this measure ever passed into law, the good feeling of the country would require, whatever might be the correct interpretation of those passages, that, in the interests of the community, they should be construed in the strictest mode. For that reason he had believed it would be impossible, and would certainly be unwise, to extend the relief to anything short of adultery. Another question of a different nature had also been raised. It was one upon which a great diversity of opinion existed. It was suggested that the same rules which governed their Lordships in granting relief to the husband should be equally extended to the wife. It had been the invariable practice in their Lordships' House to grant to a husband complaining of and establishing the adultery of his wife a private Act of Parliament, setting him free from the marriage contract. But the same rule had not been applied to the wife complaining of the adultery of her husband. Their Lordships had, no doubt, occasionally granted a divorce at the instance of the wife complaining of the adultery of her husband; but those cases had been extremely rare. It had even been the feeling of that House—indeed, it was a feeling common to mankind in general—that, although the sin in both cases was the same, the effect of adultery on the part of the husband was very different from that of adultery on the part of the wife. It was possible for a wife to pardon a husband who had committed adultery; but it was hardly possible for a husband ever really to pardon the adultery of a wife, and therefore it was that in their practice in that House their Lordships had always made a great distinction between the two cases. The only instances where marriage had been dissolved at the instance of the wife, were such as had been accompanied by some special circumstances—such, for example, as incestuous adultery on the part of the husband. The measure which he submitted to the House in the last Session was framed on that principle, and originally it proposed to grant divorces to the wife on that ground only. That Bill was referred to a Select Committee of their Lordships' House, and that subject was very much discussed both in the Committee and in the House. Some of their Lordships thought there were two or three other cases in which the privilege of divorce might be granted to the wife as well as to the husband. Two of those cases were incestuous adultery and bigamy; another was the case where the adultery had been coupled on the part of the husband with such cruelty as would have entitled the wife to a divorce *à mensâ et thoro* even if there had been no adultery; a third case was adultery with desertion on the part of the husband. These grounds of divorce he had added to the Bill now under consideration. When the Bill was before the House last year it would be in their Lordships' recollection that the right rev. Prelate (the Bishop of Oxford) introduced a clause to the effect that in case of the dissolution of the marriage the adulterer should never be at liberty to marry the adultress. When that proposition was made he (the Lord Chancellor) raised, he believed, his solitary voice against it. It was carried nevertheless—he would not say by a *coup de main*, but by acclamation—as if such a proposition was ever likely to have a moral or a useful tendency. He himself thought it was a great blot on the Bill, and would be fraught with unmixed evil instead of good, because he believed that such an enactment would be the means of removing that which in every honourable mind must be the great check to the commission of adultery. Such a clause, he admitted, was always introduced into private Bills for divorce in their Lordships' House, but he believed was invariably struck out in Committee; at all events, it was always expunged in the other House of Parliament. Therefore it was that he had not thought fit to reintroduce the clause into the present measure. One other matter and he had done. In the Committee the question was agitated whether or not a clause should be introduced into a Bill of this nature prohibiting the action for criminal conversation. The Committee was very much divided on that subject; but eventually no such proposal was carried, and the Bill went down to the House of Commons without any such clause. There had, however, been much discussion on the subject ever since, and he had thought that this was probably the best course. The objection to that action was that it was generally a scandalous exhibition; and that the feeling of mankind revolted at the notion of a husband making a sort of profit from his wife's disgrace and his own dishonour. Why, then, were these actions brought? Because it was a standing order of their Lordships' House that, unless a verdict had been obtained in such an action, no divorce should be granted. The question was whether, if the necessity for these actions was removed, it should be left optional with persons to have recourse to such proceedings if they thought fit. But he thought the more reasonable course was that which he had proposed—namely, that whereas an action of *crim. con.* was now the necessary preliminary to a divorce, such action should in future only be founded on the fact of a divorce having been obtained. He confessed he could not quite satisfy himself that it was reasonable to say, after a divorce had been obtained by a husband on account of the adultery of a wife, that the husband should not be entitled to maintain an action for such grievous wrong, as he could do for any other legal wrong. He believed that actions of this description would very rarely be brought when they ceased to be absolutely necessary, and he merely proposed to assimilate the law in this respect to that of Scotland, where, although such actions were maintainable, they were very seldom resorted to. He thought, however, that cases might arise in which injustice would result from precluding husbands from proceeding by action for injuries of this nature, and he did not believe that the continuance of actions of *crim. con.*, in the manner he proposed, would occasion any scandal. So much for the cases of dissolution *à vinculo matrimonii.* Short of this extreme remedy, however, the Commissioners recommended that the divorce *à mensa et thoro*—that was, divorces such as were now granted by the Ecclesiastical Courts—which absolved the parties from the obligation of living together, should still be granted as heretofore. He proposed to act upon this suggestion, and he had provided by this Bill that such jurisdiction should be continued, and should be exercised by the Judge of the Court of Probate. The Ecclesiastical Courts at present decreed separation *à mensâ et thoro*, not only in case of adultery, but also in cases of cruelty; and when such a decree was made the Court directed a payment under the name of alimony, regulated in amount according to the husband's means, to be made to the wife. He proposed to continue the present system, providing, however, that the alimony might be paid, if the Court thought fit, not to the wife herself, but to trustees for the wife; because he thought that would prove a more beneficial course. He proposed, also, to add a new clause, justifying divorce *à mensâ et thoro*—namely, unjustifiable desertion. It had often been a subject of complaint that if a husband deserted his wife for a great length of time, and subsequently returned, he was entitled, if he found she had earned or succeeded to any property during his absence, to claim and appropriate it. He (the Lord Chancellor) proposed to remedy this evil by enacting that after a husband had deserted his wife without reasonable cause for a certain defined period, a decree of separation might be obtained, but that the parties might still cohabit again, if they thought proper to do so. He now came to a portion of the measure which he regarded as of the most essential importance, affecting as it did the social status of the husband and wife after a divorce had taken place, not *à vinculo matrimonii*, but *à mensa et thoro*. Although the Ecclesiastical Courts had now the power of decreeing divorce *à mensâ et thoro*, which precluded the parties from the right of insisting upon cohabitation, and so far separated them, yet, with regard to all their social relations, as between themselves and the community, those relations were scarcely if at all altered. He proposed that from the time when a decree was obtained for a divorce *à mensâ et thoro* separating the parties, although not dissolving the marriage, the wife should, with regard to all earnings of money, all accumulations of property, and as to all contracts, be placed on precisely the same footing as an unmarried woman—that her property should be entirely her own, and that her husband should have no right to touch it. That provision, he believed, would remedy many of those evils described, no doubt with truth, as the grievances of married women, of which he, in common probably with a great many of their Lordships, had lately heard so much. If his proposition should be adopted, whenever a husband had deserted his wife, and had so conducted himself that, upon any ground, a separation might be obtained *à mensà et thoro*, the wife might safely trade, or exercise a profession, and accumulate money, and she would be protected in the enjoyment of the fruits of her industry, just as if she had no husband. He was perfectly aware that this might, by some persons, be regarded as a very imperfect and meagre remedy for a state of things which ought to be dealt with on much broader grounds. There were some who, in considering the subject of divorce, would open the whole question of the relations of marriage; and his noble and learned Friend Lord Brougham, whom he hoped they would soon again see in his place, had during the last short Session introduced a Bill which would have had the effect of entirely altering the social relations of husband and wife, so far as property was concerned, and which would provide substantially that there should be no community of goods whatever, but that the husband and wife should be as much distinct persons as brother and sister. He (the Lord Chancellor) would not allow himself to be led into any discussion of a subject so extraneous, and sô beset with difficulties as this. The question of divorce was one of so much difficulty and extent, that it was ample enough to be dealt with alone; and if he succeeded, by the present measure, in improving the law of divorce, and of establishing on a rational footing what should be done when, unhappily, circumstances arose which naturally and justly led to a dissolution of the marriage tie, he should consider that he had accomplished a very important object, even although there might yet remain to be considered, on some other occasion, that still more difficult question—whether, indeed, the whole social relations of married life should be unravelled and changed. He would, therefore, conclude by moving the second reading of his present measure, reminding their Lordships that its object was to do away with the remedy of private legislation for such persons only as could afford to obtain a divorce by Act of Parliament, and in cases which were now relieved by the Ecclesiastical Courts, to give relief by a court especially constituted for that purpose; and, under cases of lesser evil, to confer upon the wife all those privileges which she was under the circumstances fully entitled to obtain. Having now explained the provisions of the Bill, he would ask their Lordships to give it a second reading.

Moved, That the Bill be now read 2^a.

THE ARCHBISHOP OF CANTERBURY said, the subject which had been brought before their Lordships in the Bill which his noble and learned Friend had so lucidly explained, was unquestionably one of the very highest importance, for it affected the social life of the community. It was also a most difficult subject, for it was impossible to foresee what might be the consequence of a new institution like that proposed. There was great danger, lest in endeavouring to apply a remedy to an existing and acknowledged evil they opened the way to greater evils than those which they desired to remove. The facilities of divorce, alluded to by the noble and learned Lord, which had been admitted in many of the Protestant States on the Continent, were no doubt intended not to injure morality but to obviate existing inconveniences: but those facilities had ended in so gross a laxity of morals that it was notorious that there was a strong desire in those countries to remove them, and to return to a state of things more in accordance with the system which happily in this country had never been set aside. On these grounds he had always felt it to be no slight comfort that in legislating concerning marriage they had authority on which they could constantly and with confidence rely, and which could not direct them wrong; that they could appeal to the Divine law, and proceed as far as that allows to proceed, and stop when it directs them to stop. This had always been his comfort in a distressing question on which their Lordships had been often called to decide,—the marriage of a widower with his deceased wife's sister. Believing as he did that the Scriptures forbad that union, he had never thought himself at liberty to listen to the plausible arguments from expediency in favour of such unions which he had heard on the other side. He took the same ground respecting the measure now upon the table. He appealed to the Divine law. No one, he thought, could deny that, according to the general tenor of that law, marriage, once contracted, was designed to be indissoluble—indissoluble, saving for one cause—a cause which destroyed the purpose and intent of marriage —saving for the cause of unfaithfulness. For that cause it was declared lawful for a man to put away his wife, and, by parity of reasoning, it would be lawful for a woman to put away her husband. Thus far the Bill of the noble and learned Lord proceeded on true principles, providing such precautions and safeguards as legal experience and a knowledge of human nature showed to be necessary. He did not see that they could refuse this liberty to an injured wife or husband; though, with respect to the legal expenses attending the procedure he regretted that circumstances which they could not alter rendered this relief less available to one class of the community than another. But here he stopped. He regretted that the Bill did not stop here: that one section of the Bill permitted the parties whose guilt had occasioned the dissolution of the first marriage to form afterwards a legal union; whereas the Divine law said, "Whosoever shall marry her that is put away committeth adultery." He could not venture to contravene the Divine law, even if he could not perceive its reasonableness; but surely in this case it did approve itself to their judgment. The object of the proposal was to prevent crime. But surely they offered temptation to crime if they permitted the commission of crime in the first instance to lead ultimately to that result which had unhappily become the desired result, and to end in even permanent legalised union. Surely the first spark of guilty passion ought rather to be extinguished by the conviction that its indulgence could only lead to reproach and degradation. He believed that they would best consult the interests of morality and the comforts of social life if in legislating on this delicate subject they adhered closely to the principle which Scripture had laid down. On these grounds, while he voted for the second reading of the Bill, he must oppose in Committee the clause which permitted the guilty parties to be united in legal marriage.

LORD LYNDHURST said, he did not know what course precisely to pursue, as he had suffered under the misfortune of not having heard a word of what fell from the most rev. Prelate; he understood, however, that on the whole the most rev. Prelate supported the Bill; but whether it was on the ground of the tribunal which was to be established he did not know. For himself, he felt extremely anxious for the success of the measure. A Bill of this nature had passed through the House on three different occasions, and the subject was examined very attentively by a Committee of that House, and when afterwards the Bill went down to the other House, it went down sanctioned by a very considerable majority of their Lordships' House. He could not, nevertheless, disguise from himself that both in the House and out of doors there was very considerable opposition to the measure. It was opposed, as he understood, both on social and religious grounds. A noble and learned Friend of his, for whose opinion he had great respect, only last night, in the neighbourhood of that House, said he was strongly opposed to the measure. Another noble Friend of his, whom he might almost call a noble and learned Friend, had circulated in print a very able article in opposition to the very principle of the Bill; and a right rev. Prelate (the Bishop of Oxford) whom he formerly had had the happiness to have as his diocesan, who ornamented every subject he touched, and gave point and vigour to every argument he used, was one of the most strenuous opponents of the present measure. It was impossible, therefore, for him not to feel very considerable anxiety with respect to the result of this discussion. He flattered himself a short time ago that the right rev. Prelate was not now present in the House; but the right rev. Prelate had recently made his appearance, and his active change from one position to another was a proof that the right rev. Prelate was preparing for a desperate conflict on this subject. It would not become him (Lord Lyndhurst) to enter into any Scriptural argument in the presence of the ecclesiastical array he had now the happiness to see before him. He said "the happiness," because on a former occasion their Lordships had not had the advantage of the intelligence, information, learning, and knowledge of that right rev. Bench on this subject. Considering, however, the feeling which prevailed on this subject, he should take the liberty of referring to authorities which he considered conclusive, as to the Scriptural doctrine that marriage might be dissolved in case of adultery. He maintained that that was the principle of the whole Protestant Church over and over again declared to be sanctioned by the express terms of the Scripture: it was supported by the concurrence of almost all authorities in the early period of the Church, and was sanctioned by Provincial and General Councils. This alone was sufficient authority to decide the question. And, with respect to our own Church, he would call their Lordships' attention only to that document to which his noble and learned Friend (the Lord Chancellor) had referred, the *Reformatio Legum Ecclesiasticarum*, drawn up by men partly ecclesiastics and partly civilians, all men of great learning and intelligence, who, after considering the subject fully and maturely, pronounced in favour of the dissolution of marriage in case of adultery. This was a body of authority which he for one felt, and all who had considered it must feel, was not to be resisted. On the other hand, he admitted that, according to the doctrine of the Roman Catholic Church, marriage could not be dissolved, because there it was regarded as a sacrament; but he thought he was authorized to say that the establishment of that principle must be traced to the Council of Trent—a Council which was anxious to extend the power of the Pope, and to enable the Emperor of Germany to crush the Protestants and destroy the Protestant religion. The authority of that Council, conducted on such a principle, the Protestant divines refused to admit. His noble and learned Friend had adverted to the various modes by which the rigid rules laid down by the Catholic Church had been rendered, in some degree, flexible, and by which its provisions had been evaded. He (Lord Lyndhurst) would not enter minutely into that subject, but would draw their Lordships' attention for a minute to the rule of the Protestant Church. Our law on this subject, even after the Reformation, was derived from the time when England was under Roman Catholic rule, and with us, as with Roman Catholics, marriage was indissoluble even in case of adultery. Accidental circumstances had prevented the change of that law. The document to which his noble and learned friend had alluded, and in which a new system of laws was drawn up in the time of Edward VI., never, in fact, came into operation, and owing to accidental circumstances the law had continued, from the time when the Roman Catholic religion predominated in this country down to the present time, on the same footing. He was bound, then, to admit that, according to the law of the country, as it at present existed, marriage was indissoluble by any legal tribunal. That being so, as the Roman Catholic Church found it necessary to resort to some means of evading the operation of the law, so we also on our side had been obliged to have recourse to palliatives: and, during 150 years, as there was no regular tribunal by which marriage could be dissolved, even in the extreme case of adultery, applications had been made to Parliament for private Acts to effect the same object. Well, this practice had gone on so regularly, and with such uniformity, that every person knew that if his character was irreproachable, and his conduct could not be found fault with, he might have a Bill presented to that House for a divorce in consequence of the adultery of his wife, with a certainty of obtaining the desired result. Laws, if they were to be respected by the people, ought to be precise, defined, exact, and extended to all classes, embracing rich and poor alike—for all were equal in the eye of the law—yet every one knew that the present system was confined to the wealthy alone, that no person with a moderate fortune could have any chance of success in resorting to it, and therefore, that so far as the mass of the community were concerned, there was no law whatever on the subject. Upon these grounds he could not see how it was possible that any solid objection could be made to the principle of the alterations proposed by his noble and learned Friend. If it were right that marriage should be dissolved in the case of adultery—and no one denied the right—surely such dissolution should not take place by occasional measures, but through the intervention of a public tribunal, open to all—to the poor as well as to the rich. But he (Lord Lyndhurst) remembered that, on a former occasion, the right rev. Prelate, (the Bishop of Oxford) supported by another right rev. Prelate, (the Bishop of St. David's) with equal ability, objected that the Bill would not answer the purpose which it professed to attain—because, he said, the tribunal it proposed to establish was such as would be accessible only to the wealthy. He said that men of the highest rank and station in the profession of the law would alone be engaged in it,—and he asked, "Do you suppose that justice can be cheaply administered by such a tribunal?" That was the argument urged by the two right rev. Prelates on a former occasion. The answer that I make to that argument is short, plain, and simple. It is this:—It does not follow that because a tribunal is composed of men of the highest professional eminence the expense of application to it will therefore be increased: on the contrary, the proceedings would be of the most simple description — a mere petition stating the complaint—there would be no written pleadings, no rejoinders, no labyrinths of that description; but the witnesses would be called to the bar, and they would give evidence *vivâ voce,* as they now did at the bar of their Lordships' House. It appeared to him that it would be impossible to establish any tribunal in which the proceedings might be carried on in a simpler way, or with less expense. In fact, he defied the "imagination of man" to conceive anything more simple. Another observation made by the right rev. Prelate was to this effect:—"What is to become of persons living at a distance? How are men in Northumberland or Carlisle to avail themselves of this new law? See how the expenses will increase if men from such a distance are to come to London to make their complaint." In answer to that objection, he (Lord Lyndhurst) would observe that Her Majesty had power to direct the tribunal to sit in any place that might be desired; but it would not be necessary to recur to that power, because a petition might be presented to the Court from some person residing at a distance; the Court would consider what might be the most convenient spot for examination, and the examination would take place there; the Judges would hear the evidence taken on the spot, and the decision would be given in London. A noble Friend of his said on a previous occasion, that it was impossible to come to a satisfactory conclusion on the subject of divorce *à vinculo,* that the subject was surrounded by so many difficulties and entanglements that the more you inquired into it the more difficult it appeared. Well, but when you mentioned difficulties, he (Lord Lyndhurst) would ask how was justice in this matter administered in other countries? In Scotland a divorce *à vinculo* was decided by the ordinary tribunals, without any difficulty. In the United States, also, no difficulty was experienced in administering this branch of the law by the ordinary tribunals; and if this were so in other countries, what difficulty there could be here he was at a loss to imagine. But then this class of objectors turn round and say, with inconsistency as it appeared to him, "This law is really only applicable to the rich;" and then they add, "but if you pass such a law for the poorer and humbler classes, it will be productive of the greatest mischief, of the greatest social evil, and it will demoralize the whole community." In answer to that, he (Lord Lyndhurst) would say, that his opinion was quite the contrary; he maintained that the direct tendency of the present law was to demoralize and degrade the lower classes. A man finds his wife committing adultery; he has no remedy; he cannot apply to a court of justice to dissolve his marriage; he therefore continues to live on with her, committing acts of brutal and degrading violence on her—or he turns her out, and she goes to live with the adulterer. What, he asked, was the effect of such a scene upon the lower orders of the people? Or, again, if he do not drive her forth, he acquiesces in her shame and guilt; the adulterer comes from time to time to his residence; he cohabits with his paramour; and what, he should like to know, could be more destructive of the morality of the lower orders? Did they mean to say—could they say—that the interposition of a court of justice, dealing justice alike to all, and dividing persons of that description, would tend to demoralize the state of society more than such occurrences as he had endeavoured to describe? Let them not indulge in any theories, any abstract reasonings, or any visionary ideas on this subject. What was the case in Scotland? The law there existed accessible equally to the poor and to the rich. Had it produced any bad effects there? Directly the reverse; and happily the evidence in this respect was all on his side. His noble and learned Friend (the Lord Chancellor) had referred to the Report of the Commissioners, and he (Lord Lyndhurst) was happy to state that men from Scotland of the highest rank, of the best informed minds, and of the greatest opportunity of observation, all concurred in saying that, so far from this extension of the law producing any bad result, it had a directly contrary effect; and he quoted this in answer to all those theories and all that eloquence which they had heard advanced on the other side. Having gone thus far, he must be allowed to remind his noble and learned Friend of some of his objections to his original measure, and to repeat, although this Bill was an improvement on the last, that it did not go far enough. The Committee which investigated this matter examined it with great attention, and he was happy to say that several of his (Lord Lyndhurst's) suggestions had been adopted, and were now incorporated in the Bill. He was sorry to add that it did not go to the full length that he expected, and he hoped that their Lordships would allow him to press some of his suggested amendments upon the House, in the hope that they might be added to the present measure. One of the objections which he entertained to the principles of the Bill, as it stood, was the great inequality which it recognized between the sexes. The inequality was extreme. No extent of adultery on the part of the husband could, according to this Bill, entitle the wife to a divorce; and hence the trite, but not not altogether unjust, observation, that men made the laws and women were the victims. The only argument of the slightest validity that he had ever heard adduced against placing the sexes on the same footing was that the mischief, resulting from the adultery of the woman—namely, the introduction of a spurious offspring into the house of the husband—does not result from the adultery of the man. But did it follow because there was this one point of difference that the rest of the case, as regards the woman, was not such as to require the interposition of the law? Was that the true and logical mode of argument—to select one particular fact in a case, and to say that therefore the whole case differed from another to which, with this exception, it was exactly similar? Suppose, as not unfrequently happened, that a man lived in open, flagrant, notorious adultery, without disguise, without limitation in point of time—perhaps bringing his paramour home to his own wife, insulting her in this way, and treating her with great harshness and even cruelty—was he to be told that in such a case the wife was to be left without a remedy? Was not that such a state of things as to entitle the wife to a divorce? Did not justice imperatively call for a remedy? The husband might indulge in every species of infamy connected with adultery; he might violate every human law, and yet there would be no divorce. Take the case of Lord Audley—was there to be no divorce in a case like that? Was there to be no interference between the villain and his victim? Suppose the case of a double adultery—of a husband committing adultery with a married woman; in this case you have the spurious offspring introduced, and the analogy between the case of the man and that of the woman was complete. Was there still to be no interference of the law for the behalf of the woman? Was there to be no divorce? Let their Lordships do justice. Let them not suppose that if they allowed a woman to proceed against her husband for adultery, our courts would be filled with such applications; there was no foundation for such an assumption. Remember that this proceeding could only be instituted by the woman; and no one who knew anything of the female character could suppose that she would be easily prompted to institute a proceeding of this kind. Every man who has studied the female character must know that nothing but a long, deliberate, hopeless suffering—nothing but intolerable agony, would overcome her patient endurance—would induce her to come to the court for a divorce. Everything which a woman holds dear was at stake in such a case. She loses her home, perhaps her position in society—in all probability the guardianship and care of her children—all, in short, that she most values she forfeits if she successfully prosecutes an application of this sort; and he said, therefore, that the more they considered the more they would be satisfied that there was nothing to alarm them in the provision he was suggesting, and that such proceedings on the part of the women would be very few in number. As he had said, their Lordships ought not to legislate exceptionally, and he appealed again to the noble Earl opposite (the Earl of Aberdeen) on this subject. He knew perfectly well that in Scotland the law was equal both as regards the man and the woman, and that the woman was equally with the man entitled to prosecute for adultery. Did any inconvenience arise from that state of the law? Had any evil resulting from it ever been pointed out? On the contrary, all the evidence they had was decisive on the subject. He referred again to the same document to which his noble and learned Friend had alluded. Here they had the evidence of most distinguished individuals, who, when asked if they would wish to see a change introduced into the existing Scotch law in consequence of any inconvenience resulting from it, give a positive answer in the negative, and say, "We adhere to the law because we approve of the law, and find no inconvenience resulting from it." But the case did not rest there. He relied upon the principle of our own ecclesiastical law, which did not dissolve a marriage for adultery either in the case of the man or of the woman, and punished both equally. The case of the husband by our ecclesiastical law is put on the same footing as that of the wife; that is the principle always acted upon. How then could they say that by extending relief in each instance they introduced a new principle? If the punishment at present inflicted was the same as regards both the man and woman, how was it that by carrying this punishment still further they were departing from the principle of the law? The right rev. Prelate (the Bishop of Oxford) referred me on a former occasion to St. Augustine, calling my attention to the voluminous works of that very learned, distinguished, and, I may say, curious individual. Well, St. Augustine puts the case of the husband, upon the authority of Scriptue, upon the same footing as that of the wife. He draws no distinction between the two sexes, and, as he had said, enforces his opinion by the authority of Scripture. But again, there was another authority to which he begged to refer—an authority of our own Church—he meant that great work to which he had before alluded, the *Reformatio Legum Ecclesiasticarum*. The learned body concerned in this work—consisting of sixteen divines of high rank, station, and learning, and an equal number of laymen of the same character, came to the conclusion that there was no distinction between the case of the man and the woman, and they express a strong and decisive opinion on the subject. There was no authority on the other side. Conjecture and ingenious argument, entirely unsupported by any principle, might, indeed, be indulged in; but he thought there was nothing like the shadow of authority in support of the contrary view. It was true that in old times that House, composed of men only, not exactly administering justice, but legislating on this subject, legislated in favour of their own sex and against the other. But there had been even in that House authorities on the side of equality. Lord Eldon is one of those to whom he would refer. He at first seemed to have been opposed to granting to the woman the same measure of relief as to the man; but a great change took place in his views; towards the close of his career, when his accumulated experience was at the highest point, Lord Eldon, upon Mrs. Moffatt's case, observed, in almost the very words he was about to use:—"I see no reason whatever why a woman should not be entitled in a case of this kind to the same relief as a man." Moreover, this was not mere assertion on the part of the noble Earl; he acted upon his belief, for he moved the second reading of the Bill. Lord Brougham too, when Lord Chancellor, opposed this Motion. He (Lord Lyndhurst) knew, however, that the noble and learned Lord—he was unfortunately absent from this discussion — now felt strongly that what a man could do a woman should also have it in her power to do, and to this view he had given clear expression in writing. Lord Thurlow likewise expressed a strong opinion in the case he had mentioned, and lastly, he would refer to Dr. Lushington, that very learned Judge of the Consistory Court, who had spent his whole life in inquiries of this kind, and who had expressed a strong and decisive opinion on the subject. He might, perhaps, be thought to have overlaid this case with authority. A strong feeling, however, existed on the other side among certain persons. He had felt it his duty, therefore, to quote all the authorities he could, and it appeared to him, that as far as weight was concerned they were irresistible. He now left this part of the case in their Lordships' hands. But he would ask them to allow him, if he was able, to go a little further. He would beg, and most earnestly entreat their Lordships, if they could not go as far as he wished, for the relief of the other sex, they would consider whether they could not grant them at least this—that when a man deserts his wife wilfully—in the language of the law, maliciously deserts and abandons her—that that should be a sufficient ground for a divorce *à vinculo matrimonii.* It appeared to him that the arguments in favour of that proposition were unanswerable. They arose out of the very nature of the contract of marriage, of the objects for which marriage was instituted. Now what was the contract? The man promises during their joint lives to support, protect, and cherish the woman, and that he will never forsake her for another. There can be no more sacred promise, no more forcible engagement, no contract more binding. But if he disregards that promise, and abandons his wife, why was the contract still to be binding upon her? In commercial contracts if one party violated the agreement the other was released from it. Why should not the same principle be extended to cases such as he had mentioned? Then, what were the objects of the marriage ceremony? They were three in number. The first was the procreation of children, and training them up in the love and fear of God. That object was directly defeated by acts such as he had referred to. The second object was to guard against sin; but that was not only defeated by the desertion of a wife, but it usually led to the commission of sin. The third object of marriage is the comfort, society, and mutual protection of the husband and wife; but that was equally defeated by such acts as he had mentioned. Thus the whole objects of marriage were defeated by malicious, wilful abandonment of a wife; and under such circumstances he would ask whether it was just that a woman should be bound by a contract the whole objects of which have been defeated by the act of her husband? But then some may doubt whether what he proposed was within the Scriptures, and whether it had the sanction of any ecclesiastical authority. He would only say that the subject was discussed over and over again most carefully and most solemnly upon the Continent at the period of the Reformation, and it was then decided that not only were such acts grounds for dissolving marriage, but that such doctrine was sanctioned by Scripture. That was the result arrived at after argument, not only by ecclesiastics of the Reformed Church, but also by learned, pious, and eminent laymen. He could not do better than mention one, the most eminent jurist on the Continent of Europe—Grotius. He would only add, that in Scotland this subject was argued by a layman, Lord Stair, in a manner which cannot be surpassed. He hoped his noble and learned Friend would consider this point before he proceeded in Committee with the Bill, and he trusted that he would adopt his suggestion. If he did not, he (Lord Lyndhurst) certainly should feel it his duty to propose a clause, and to press it upon the House. Cases of the kind he referred to had come under his notice times out of number. A man marries a woman with some small means. He remains with her a short time, dissipates her money, and then abandons her. She struggles on by herself, until by some good fortune she receives a legacy, or by her industry accumulates a little money, when the man reappears, seizes the property, claims it as his own, and then acts the old part over again, until, the money being spent, he finally abandons her. This was not an isolated case. He had seen two or three cases mentioned in the Appendix to the Report of the Committee, which are given as examples, but he had heard and known of innumerable instances of this kind. There was a case once before their Lordships which he would venture to recall to their recollection. A young girl of fifteen years—partly by force, partly by fraud and contrivance—was carried off by a man to Gretna Green, and married to him. Some months after she was discovered, the man was indicted and sentenced to two years' imprisonment, Mr. Baron Gurney, the learned Judge, regretting that he was unable to add hard labour. The girl was made a ward in Chancery; her property was secured; but the man, after the expiration of his imprisonment, never made his appearance in society again. That, however, was a case which stood by itself. He would wish once more to call their Lordships' serious attention to the law of Scotland. Wilful desertion of a wife is by the law of Scotland a sufficient ground for the dissolution of the marriage, and the law was constantly acted upon without causing any inconvenience. His noble and learned Friend said something about Prussia, and the laws of that country. The facilities for divorce there were extravagant beyond measure, and the Legislature has had to reconsider them. What had been the result? They had decided by unanimous vote that adultery and wilful desertion were scriptural grounds of divorce, and have accordingly retained them as such.

With regard to Scotland, he could not avoid expressing the astonishment which all must feel at the difference between the law in that country and in this. They are both parts of the same empire, and are governed by the same Sovereign; the laws were made by the same Legislature; but yet the laws of each country are directly contrary. Bills were occasionally brought into Parliament to assimilate the law relating to commerce, or bills of exchange in England and Scotland; but they had never attempted to assimilate those laws which relate to and affect every family throughout the empire. It was truly singular neglect which permitted so extraordinary a state of things. Take the case of a man who marries in England, then proceeds to Scotland, where he is divorced and remarries. He then comes back to England with his Scotch wife, whither he is followed by his divorced wife, who appeals to the Ecclesiastical Court for a restitution of conjugal rights. She succeeds, and restitution of conjugal rights is awarded to her, while the man has also his Scotch wedded wife. Anything more extraordinary, more anomalous, could not be conceived. My strength, my Lords (continued the noble and learned Lord), does not enable me to follow the noble and learned Lord into all the points upon which he touched. I had intended to have said something about criminal conversation, but must postpone my observations to a future occasion. I must remark, however, that my noble and learned Friend has changed sides on this occasion. By the Bill of last Session he proposed to leave the law as it now is—that no divorce shall be granted until a verdict for damages for criminal conversation has been obtained. My noble and learned Friend now proposes to change that, and says you must have a divorce first, and an action for criminal conversation afterwards. My noble and learned Friend forgets the position of the Roman Catholic. He cannot obtain a divorce, and therefore, no matter how great his wrong, he is not to be allowed to bring an action against the seducer of his wife; consequently, to make the action to depend on the divorce, is practically to deprive a Roman Catholic of all redress. I do not know whether my noble and learned Friend has considered that point. There are some minor matters to which I need not now advert, but will briefly state my reasons for troubling your Lordships on this occasion. If I had postponed until the Committee the suggestion of these Amendments your Lordships would have been called upon to decide at once, but I thought the subject of so much importance, of such deep interest, that I deemed it wiser and more respectful to this House to bring these matters under its notice at this early stage, in order that your Lordships might have an opportunity of fully considering them before the Committee upon this Bill comes on. I intend to move these Amendments in the Committee, when I hope your Lordships will adopt, if not all, at least to a great extent, my views, and do justice to that portion of society which has no advocates of its own, which is subject to laws made by us, and which is sometimes the victim of those laws. I wish to rescue them from that condition, and I appeal, not to your Lordships' candour, but to your justice, to afford me the means of doing so.

Lord WENSLEYDALE, owing to whose position, only a few detached sentences of his speech could be heard, was understood to maintain that the law of England, notwithstanding the attempt to change it in the *Reformatio Legum*, was, and always had been, that a marriage once made was indissoluble, and he could not, therefore, look, without great misgivings, upon a proposal which made such a sweeping alteration in the law of the land, and made it dissoluble by legal right. At present it could be dissolved only by special legislation. If the Bill should pass, and his noble and learned Friend should succeed in establishing his new tribunal, it was true that the means of procuring divorce would be more accessible; but though they might make the law cheaper, they could not hope to make it cheap enough to be available to the lower classes of the community. A tribunal established in London might be easily available to persons resident in London, but would be of small use to the poorer classes resident in the country. How could they possibly stop where his noble and learned Friend now proposed? On what conceivable ground could they refuse to extend to inferior Courts—Courts, for instance, for the benefit of the poor—the same powers which they gave to the new Court of Divorce for the benefit of the middle classes. Then indeed the poor would have an easy mode of putting an end to a connection which had become irksome to them by the commission of adultery, and this facility appeared to him to threaten consequences extremely prejudicial to morality, and be likely to lead to an extensive corruption of manners amongst those classes where public opinion has not so much influence to prevent the commission of such crimes, as in the higher walks of life. He therefore looked upon the principal clause of the Bill with great alarm as to its probable consequences. It had been answered that the Bill proposed nothing more than had long been the law in Scotland, and that in Scotland no such consequences had followed. But in Scotland the circumstances were quite different; they had long been used to that law, and the character of the people was different. Nevertheless, he thought that in many points the Bill contained much that was valuable, and as the Bill had already received the sanction of the House in the last Parliament, and had been in substance approved of by a Commission of learned and distinguished persons, he should assent to the second reading. His noble and learned Friend (Lord Lyndhurst's) objection to the provision that the action for *crim. con.* should only be prosecuted after the dissolution of the marriage was a very powerful one, and he (Lord Wensleydale) thought that the proposition ought not to be adopted. With these observations he should vote for the second reading of the Bill.

THE EARL OF MALMESBURY said, he had no intention of offering any opposition to the second reading of the Bill; for he agreed with the noble and learned Lord who had just spoken that there was much good in it, and he should be sorry, therefore, to be instrumental in preventing its being read a second time. At the same time, he begged to state that it was his intention, on some future occasion, when the opportunity presented itself, to vote for any proposal which might be made to abridge the extensive and apparently unrestricted powers which it gave to parties divorced under its provisions to enter into the marriage contract again; for, if he understood the Bill correctly, the very act of obtaining a divorce, the Court being first satisfied that there was no collusion or conspiracy in the matter, would put the parties in the position of being able to marry again. He would suppose the possible case of two adulterous persons having obtained a divorce and afterwards marrying one another. Suppose they again committed adultery, and came before the Court for a second divorce, surely it could not be contended by the noble and learned Lord on the woolsack that it would be for the benefit of morality or of society that those persons should be able to obtain a second and perhaps a third divorce, as was the case in Saxony and other parts of Germany? Further, he doubted if there was much morality in allowing a man to ask for a divorce, his wife having committed adultery, and the woman to marry again, supposing the husband had seduced her in the first instance, and lived in concubinage with her before their marriage. He thought that in a case of that sort the man himself must have been the means of so corrupting the woman's mind as to greatly mitigate the criminality of what afterwards took place. By the 19th clause he observed that power was given to the wife to apply for a divorce by reason of the husband having been guilty of incestuous adultery. Now, supposing the act of adultery were committed with a woman with whom, if the wife were dead, the man could not legally contract marriage, she coming within the prohibited degrees of affinity—supposing, for example, the man had carried on an adulterous intrigue with his wife's sister—then he wanted to know if the clause to which he had referred would override the existing law of England, which prevented a man marrying his deceased wife's sister, and put the wife in the position of a woman who was dead, or who had never contracted marriage at all? On the other hand, supposing the Bill for permitting a man to marry a deceased wife's sister became law, the women of England would, under the present measure, lose one of the three privileges which it proposed to give them, namely, that of dissolving the marriage on the ground that the husband had intrigued with the wife's sister; for, by the law of the land, it would then be no longer incestuous to marry the sister of a deceased wife.

THE DUKE OF NORFOLK said, he regretted that the right rev. Prelate, who he understood had intended to move that the Bill be read a second time that day six months, had not carried his intention into effect. But he rose to express the astonishment with which he had heard the noble and learned Lord (Lord Lyndhurst), whose opinion had so much and such deserved weight in their Lordships' House, assert to-night that Popes and General Councils had been constantly in the habit of granting dissolutions of marriages. He challenged the noble and learned Lord to put his finger on a single case in which a Pope or Council had dissolved any valid and completed marriage. He did not think he could point out one; at all events, it was the universal feeling of the Roman Catholic Church that marriage was indissoluble. For his own part, looking at the question from a purely Scriptural point, he thought the Bill so objectionable that, in whatever stage it should be opposed, he should be ready to lend his humble assistance in order to throw it out.

LORD CAMPBELL said, their Lordships would receive with the sincerest respect what had fallen from the noble Duke; for the opposition of the noble Duke was consistent, because, according to his faith and the faith of his ancestors, marriage was a sacrament, and could not be dissolved. He was, however, speaking to an assembly, the great majority of whom were Protestants, and maintained a different opinion. All Protestant Churches held that, according to the precepts of the Divine Founder of our religion, for adultery marriage might be dissolved; and it seemed to him (Lord Campbell) to be straining and quibbling when any other interpretation was attempted to be put on the words of our Lord. As no attempt had been made to answer what he must call the unanswerable speech of his noble and learned Friend (Lord Lyndhurst), it would be absurd for him to go over the same arguments. At the same time he thought he might attempt, perhaps not unsuccessfully, to quiet the apprehensions of his noble and learned Friend (Lord Wensleydale), who complained that by this Bill they were altering the law of the land, for by the law of England marriage was indissoluble. That was a mere legal subtlety, spoken by a lawyer, and contrary to fact and common sense. For the last 200 years marriage by the law of England had been dissoluble for adultery. For 200 years it had been a matter of right that a husband whose wife had been unfaithful, and who had been a kind and attentive husband, might apply for a divorce, and a divorce he was sure to obtain. It was true that in Bills of divorce their Lordships nominally acted legislatively, but they really and to all intents and purposes acted judicially—they saw that the allegation of adultery was fully sustained, and then as a matter of course they granted the remedy prayed by the injured party. That had been the invariable course; and by the practice, therefore, of the law of England, any one proving adultery had a right to a divorce and to marry again. He had the honour to be at the head of the Commission appointed in 1850; the object of the Commissioners was not to alter the law, but the procedure by which the law was carried into effect. They were shocked at the complexity of that procedure—first, that there should be an action for *crim. con.*; second, a suit in the Ecclesiastical Court for a divorce *à mensâ et thoro*; and then a petition for a Bill in their Lordships' House. The noble and learned Lord on the woolsack had spoken of the three different proceedings, but he had really understated them. There was a fourth. The whole matter might be investigated over again at the bar of the House of Commons; and, although of late years the House of Commons, out of decency, had accepted the evidence taken at their Lordships' bar, he had himself examined witnesses at the bar of the other House to prove the adultery for the fourth time. He thought these repeated exposures very much to the detriment of public morals. The Commissioners proposed that divorces should be obtained by a tribunal established to hear evidence and pronounce decrees instead of by sham legislation, and this Bill would give effect to their recommendation; therefore his noble and learned Friend might dismiss his apprehensions on the score of changing the law of England. Many persons were for putting the sexes on entire equality as to divorces, and his noble and learned Friend said there was no authority for making any distinction. But the wisest of all codes—the civil law—made a difference, and only gave the woman a divorce for adultery of the husband, when accompanied by aggravation—as bringing the concubine to the same house with her. [Lord LYNDHURST: That was the law of the Code Napoleon.] Yes; and was taken from the civil laws. He thought marriage should be dissolved where it was impossible that the parties should ever live together again. Where the wife committed adultery, it was contrary to the general feeling of mankind that there should be condonation, and therefore it was right that the power of divorce should be given; where the husband committed incestuous adultery, or adultery with such aggravation as would prevent the wife condoning, divorce should also be permitted; if all the purposes for which the contract was entered into were put an end to, the contract should be dissolved. To that extent he would go with his noble and learned Friend, but no further. There seemed to be a general understanding that the Bill should be read a second time without further discussion. [The Bishop of OXFORD dissented.] He drew that inference from the right rev. Prelate's not accepting the challenge thrown down by his noble and learned Friend. But, however that might be, he could not omit drawing the attention of the noble and learned Lord on the woolsack to one or two points. He had heard no explanation of the manner in which the Bill would be applied to Ireland. For all that appeared on the Bill, an Irishman who had an unfaithful wife, would still have to petition the House of Lords. There ought to be a civil tribunal established for Ireland also—or at least some means for extending to Ireland the same facilities that were enjoyed by this country. With regard to the action for criminal conversation, he regretted that his noble and learned Friend had not taken this opportunity of giving a final blow to that system. He was ashamed of it. He had been taunted with it by foreigners, and had blushed when he was obliged to confess that such was the law of this country. He would also point out there were many classes of persons who would derive no advantage from this Bill—the noble Duke had mentioned the Roman Catholics, who could not obtain a dissolution of marriage, and who would have no other redress under the provisions of this Bill.

VISCOUNT DUNGANNON said, he could not allow the Bill to go to a second reading without expressing — although he stood alone—his heartfelt regret that such a measure should have been introduced. Honestly and sincerely, he looked upon it as striking at the very root of the best interests of society, civil, moral, and religious. It had been observed—and the observation he admitted had a very great degree of force—that it was hard and unjust that relief in matters of adultery should be open to persons who had power and position in society, and possessed the means of obtaining it, whilst it was practically denied to others in a different sphere and condition in life. Admitting, however, in the abstract, the extent of that evil, he could not but very much question whether the remedy now proposed was not worse than the original disease. The moment it was found that there existed a greater facility than heretofore for the dissolution of the marriage tie, he feared it would supply additional encouragement to the indulgence of illicit desires, and that consequently the happiness which had hitherto generally characterised the social life of this country would be very materially impaired. He believed that it was the difficulty—the almost insuperable obstacles—which at present stood in the way of dissolving the matrimonial contract that most contributed to the well-being of society. It influenced parties when once they had contracted that tie to earnestly endeavour to pursue the course which was most likely to conduce to their personal and domestic happiness, and consequently they made it their object to set aside and get the better of those minor differences of disposition and of temper that might possibly exist between them. There was another point to which he desired to call their Lordships' attention. They were aware that the solemn tie of marriage was too often hastily entered into, and with very little forethought, more especially by the lower classes of society. He should look upon any greater facilities for the dissolution of marriage, such as were to be given by the present Bill, as a very great addition to that evil, and thought they would prove a source of misery among that class of people which it was painful to contemplate. He for one much regretted that any attempt should have been made to legislate upon this all-important question until the matter had been seriously discussed by the heads of the Church, and the opinions of the Church at large had been made known to their Lordships by the representatives of the Church, the most rev. and right rev. Prelates who had seats in that House. He had heard many powerful arguments upon the subject that evening, and none more so than those of the noble and learned Lord (Lord Lyndhurst) to whose eloquence and to whose power of argument he had again and again listened with admiration and delight, and from whom he differed with the greatest misgivings as regarded his own judgment; nevertheless, he was compelled to say that he viewed this measure with feelings of the utmost misgiving and alarm. He very much doubted if good could arise to society from its introduction; and, moreover, he very much apprehended that there was little chance of obtaining any essential Amendment upon it in Committee. He had hoped that the right rev. Prelate (the Bishop of Oxford) would have moved, as an Amendment, that the Bill be read a second time that day six months, and felt regret at his not having done so; because he was convinced it would have come from the right rev. Prelate with a force which it was impossible for him (Visount Dungannon) to bring to bear upon it. But believing strongly that the measure was calculated to shake the very foundations of the best feelings of society — so much did he apprehend that evil consequences would result from it—that, although he might be charged with presumption for taking such a prominent part in the debate, he felt himself compelled to move, as an Amendment, that the Bill be read a second time that day six months.

Amendment *moved* to leave out ("now") and insert (" this Day Six Months").

LORD REDESDALE said, that after the most careful consideration he was convinced that the declarations contained in Scripture of the indissolubleness of the marriage tie were far stronger than the single passage which was quoted against it; and even that passage, so often cited as sanctioning the dissolution of marriage, appeared to him to contain the strongest possible injunction against it, for while it was said that man and wife were one flesh, it was also said that he who married a woman who had been divorced committed adultery;—how could it be said that he committed adultery unless the woman were still a wife? But setting aside the religious part of the question, which was scarcely a proper subject for discussion in that House, he would contend that upon the moral view the arguments against the proposed change were still stronger. He would ask their Lordships to consider what had been the moral character of the people of this country under the existing law. He believed there was no country in the world where, taking it from high to low, the marriage tie had been observed more sacredly, or had produced a greater amount of happiness, and he believed that had arisen mainly from the impossibility of obtaining a dissolution of marriage. And what had been the result? Those who knew the great body of the lower classes of this country knew that among them marriage when once solemnized, was regarded in a manner of which it was impossible to speak too highly. In the rural districts cases were very common where people who before marriage had been remarkable for the immorality of their lives had, after marriage, become respectable members of society. The noble and learned Lord Chief Justice said that divorce was part of the law of this country—that divorce was sanctioned by law. But his way of putting the case was, he (Lord Redesdale) thought, more ingenious than true, because, as every divorce in every case required a separate and distinct piece of legislation, it could not be considered a part of the general law of the country. He (Lord Redesdale) was one of the Commissioners who inquired into this subject, and as his views had been somewhat misunderstood, he wished to say that he thought it would be much better to give up all exceptional legislation, to return to the original law of the country on this subject, and not to extend occasional legislation into a general measure such as that now under discussion. The noble and learned Lord on the woolsack had told them, that on the average two divorce Bills were applied for every year; was it then expedient, because their Lordships were called upon for this amount of exceptional legislation, that they should open the remedy to all the community. He admitted the exceptional legislation to be objectionable, but he wished to see it done away with, and not extended. He thought this experiment would be attended with great danger, for no one could tell what would be the result of facilitating divorce even to the limited extent proposed by this Bill. Their Lordships at this moment would not listen to any proposal for giving this power to any inferior tribunal; yet, if the principle of this Bill were admitted, how would it be possible to refuse hereafter to give the facility to all classes by extending the power to inferior tribunals? In some respects the Bill would undoubtedly tend to improve the existing law; but for the reasons he had stated he could not vote for the second reading. He should support the Amendment.

THE BISHOP OF SALISBURY said, that as he had on a former occasion, when a very similar Bill was under the consideration of their Lordships, stated at some length the reasons which satisfied him that marriage was by the law of Christ indissoluble, he should scarcely have thought it necessary again to trespass upon their Lordships' attention, had not the noble and learned Lord (Lord Campbell) asserted that it was impossible to maintain such a position, and to argue against divorce *à vinculo* on the ground of Holy Scripture, except by a "quibble." He (the Bishop of Salisbury) must at once protest against the justice of such a charge. He declared that he was incapable of "quibbling" on such a subject, and yet he was one of those who believed that the testimony of our Blessed Lord on this subject was, when well considered, distinct and emphatic, and that no sanction was given in the New Testament to divorce *à vinculo matrimonii.* Our Lord had spoken on this subject on three occasions. On one of them, when addressing the Pharisees (Luke xvi. 18) He prohibited divorce altogether; and this He did again a short time after, in reply to a question put to Him by His Disciples, when He told them—

> "Whosoever shall put away his wife, and marry another committeth adultery against her. And if a woman shall put away her husband and be married to another, she committeth adultery" (Mark x. 11, 12)."

He had also just before reaffirmed both to the Disciples and the Pharisees the original institution of marriage, and had taught them that God alone could separate those whom He had thus made one (Matt. xix. 4, 5, 6; Mark x. 6, 7, 8). It is true that, in answer to a question of the Pharisees on this last occasion (Matt. xix., Mark x.), and also in addressing the multitude as well as His Disciples in the first year of His ministry, He seemed to make, in the case of one sin, an exception to the general law which made marriage indissoluble (Matt. v. 32). But it was very difficult to admit this interpretation of our Lord's words, as such a concession to Christians would be at variance with the subsequent canon of St. Paul, who forbad the marriage of a person whose husband or whose wife, as the case might be, was living (1 Cor. vii. 10, 11; Rom. vii. 1, 2, 3). He (the Bishop of Salisbury) believed that such was not the true interpretation, and that in the two passages of the Gospels to which he had just referred (Matt. v. and xix.) no such concession was really made. He had satisfied himself that they did not favour that description of divorce which the present Bill was framed to grant, but that our Lord was only showing that the Rabbins had by their sophistries greatly enlarged the original limits of that compliance with the weakness of human nature which God had, in condescension to the hard-heartedness of the Jews, permitted Moses to make. There was, however, one point in which he (the Bishop of Salisbury) agreed entirely with a noble and learned Lord who had spoken early in the debate (Lord Lyndhurst)—and if necessary he could quote high authority in support of his views—that man and woman should be placed precisely upon the same level with regard to this matter, and that an indulgence should not be allowed to the man which was denied to the woman. He (the Bishop of Salisbury) further maintained, that if (notwithstanding some difficulties) the question what was the mind of our Lord on the subject of divorce *à vinculo*, was not uncertain, even when the inquiry was confined to the letter of Scripture, such a conclusion was made more clear, and was confirmed by the subsequent teaching of the Church. If they referred to the history of the Church, the authority of the Fathers and of the General Councils would be found to go for the most part in the same direction. He could produce the strongest assertions by great authorities in every century of the Christian Church—including St. Augustine, the favourite author of the noble and learned Lord at the table (Lord Lyndhurst)—that it was not lawful so to separate husband and wife that they might re-marry. And he (the Bishop of Salisbury) would justify his own opinion on the subject by quoting to their Lordships a very plain and strong passage from that great Latin Father:—

> "Licite dimittitur conjux ob causam fornicationis, sed manet vinculum prioris, propter quod fit reus adulterii, qui dimissam duxerit etiam ob causam fornicationis."—[*Aug.* t. vi., p. 406.]

With regard to the law of our country, about which he had been surprised to hear some doubts raised, he would remind their Lordships that there could be no question that the law of England before the Reformation was in agreement with the rule thus plainly expounded by Augustine, and that though at the time of the Reformation it was proposed in the *Reformatio Legum* to alter that law, the alteration, he was thankful to say, was not effected. He was satisfied from all the authorities he had consulted that according to the law of this country no divorce *à vinculo matrimonii* was yet allowed; and he thanked God that he had hitherto providentially prevented us from altering this law, because that law enshrined the principle that, as we believed there were no limits to the forgiveness of our sins by our Heavenly Father, so there was no limit to the forgiveness—let the sin have been ever so grievous, let the adultery have been committed under every possible aggravation—which any Christian man ought to be ready, if circumstances permitted it, to extend to a penitent wife. He knew that the general opinion was against him;

but as a minister of Christ, standing there not merely as a peer of Parliament, but as an ambassador of the great Head of the Church, he was anxious to testify his solemn conviction that there was no possible offence of which a wife could be guilty that the husband—if he hoped for forgiveness himself—should not be willing as a Christian to place within the limits of condonation. There might of course be considerations which might prevent the exercise in this way of such a forgiving Christian spirit, but the law should never allow either party to be placed beyond the limits of the hope of such pardon and reconciliation. He was borne out in saying this by the same authority he had before appealed to: St. Augustine's maxim was—

> "Tale igitur debet esse conjugium Christianorum ut nunquam tale divortium fiat, quin spes maneat reconcilationis."—[*Aug.* t. vi. p. 407.]

He (the Bishop of Salisbury) did not, however, deny that the question now raised was surrounded with very great difficulties. That House had been accustomed to grant what were called *privilegia*, and he quite agreed with the noble and learned Lord at the table (Lord Lyndhurst), that if those *privilegia* were founded on the word of God the poorest man in the realm was equally entitled to them with the richest nobleman. But he believed that these *privilegia* had no such foundation and had been attended with the worst results, and that if their Lordships extended them to the poor man, so far from giving him a blessing they would give him that which would poison the happiness of his home. It was not that he would withhold a benefit from the poor, but that he would not inflict on them a curse. And this being his opinion about these so-called *privilegia*, he would have their Lordships do as the noble Lord who had first spoken had recommended. He would have them sweep away these *privilegia*, and put themselves in this respect on a level with the poor man, which was the only footing on which all Christian men ought to stand. But it was also felt by some that it was impossible for a special reason both to get rid of these *privilegia*, and also to maintain the law of the indissolubility of marriage. The objection to which he alluded was that if a man when separated from his wife was not allowed to marry again, he would be placed in a condition in which, unless he had the gift of continence, he must commit sin; but he (the Bishop of Salisbury) believed that every Christian man could have this gift of continence. The learned and noble Lord (Lord Campbell) by his expression of his dissent showed that he was not aware of what he (the Bishop of Salisbury) was speaking; he was speaking of a gift which any Christian man might (if placed under the circumstances he alluded to) obtain. And he (the Bishop of Salisbury) was only pressing on their Lordships' attention a truth which was witnessed to by the same authority to which he had already appealed. St. Augustine had anticipated the objection in the following weighty and stirring words—

> "Non eos terreat sarcina continentiæ—levis erit si Christi erit—Christi erit, si fides aderit, quæ impetrat a jubente quod jusserit."—*Aug.* t. vi., p. 416.

He (the Bishop of Salisbury) was fully persuaded that a Christian could master his circumstances and temptations, however powerless a natural man might be under such a trial; and he therefore entreated their Lordships not to be drawn by sympathy for those who were placed in such difficulties, to sanction such a measure of relief, but rather to resist any such change lest the safeguards of innocence should be sacrificed for the accommodation of guilt, and the relieving offenders from the inconveniences of sin. Then again there were other difficulties in respect to changing the law which had not been alluded to, but which ought to be considered by their Lordships before passing the present Bill. Let their Lordships consider in what position they would place the ministers of the Church of England. He did not question their Lordships' power or right to vindicate the supremacy of the law of the land, and to make enactments for all the members of the State; but he hoped their Lordships would remember that the law of the Church did not recognize the dissolubility of the marriage tie; and that questions of conscience must arise amongst the clergy, and that they had a just claim upon their Lordships to respect their scruples. At present the law of the land and the law of the Church were in harmony on this point; but if this Bill passed, it would then, it appeared to him, be impossible to reconcile what would then be the municipal law on this subject with the law of the Church. He (the Bishop of Salisbury) besought their Lordships well to weigh this, and not to place men like himself and the clergy, who were bound to set an example of loyal obedience to the laws of their country, in a position where it would, he feared, be most difficult to reconcile the conflicting claims the law of God and the law of man would have upon their consciences. He (the Bishop of Salisbury) had said thus much as a Bishop, but as their Lordships shared the responsibilities and interests of his right rev. Brethren and himself, so did his right rev. Brethren and himself share their Lordships' responsibilities and interests as legislators of this great country. He most thoroughly admitted that, next to the great functions of the Church, there was no duty more holy or more sacred than that of a legislator, and, therefore, he spoke not only as a Bishop of the Church, but as one anxious for legislation on right principles, and for the social welfare of the community; and he did most seriously believe that, if they began to legislate in the direction of this measure, they would not be able to stop here; that if they once opened the door, they would not be able to close it again. Look at the miserable results such a course had produced in Prussia. He (the Bishop of Salisbury) held in his hand a translation of a book by Dr. Tiersch, and he wished their Lordships had all read the witness he bore to the demoralising influences of the relaxation of the law of marriage in his country. He would read them one passage:—

> "The evil has already spread in Prussia on every side, and penetrated to a great depth. Already for two generations has the seed which has been sown been ripening. The moral disgust at frivolous divorces and re-marriages is at an end with both the lower and the higher classes of the people which have sprung up under such a legislation."

He (the Bishop of Salisbury) would also remind their Lordships, as the opinions of the Reformers in favour of such a change of the law had been so often alluded to, that Luther said that though the precedent given by Moses for complying with the hardness of the hearts of the Jews justified, he considered, the temporal courts in allowing such licence to false Christians, they who availed themselves of such a licence should understand that they were by such a relaxation treated, not as Christians, but as Heathens. He (the Bishop of Salisbury) quite agreed with Luther in this respect, and would only add to what he had already said, that when Moses legislated for the Jews, he was endeavouring to preserve them from falling into the state of the heathens around them, and that so his laws were an attempt to raise his people to a higher level; but that any such alteration of the law, as now proposed, in a Christian country, could only be viewed as a sinking down from a higher state—the placing God's people on that sloping path which might end in unbelief, and the loss of the qualifications of a good citizen. Whether, then, he looked at the present Bill as a Member of the Legislature of this great country, or as one of the chief pastors of the Church of God, he considered that the step their Lordships were now asked to take was a downward step, and fraught with great danger both to Church and State, and that it was therefore his duty to oppose the second reading of the Bill, and so resist this change in the old law of the Church and State of England.

THE BISHOP OF BANGOR addressed a few observations to the House in a very low tone, and was understood to concur in the views of the most rev. Primate.

THE BISHOP OF LLANDAFF said, he thought that the distinction attempted to be drawn between the three passages in which our Blessed Saviour's words were given was too minute to commend themselves to the persons who read those passages. It appeared to him that in the passage quoted from St. Paul that Apostle was speaking of the normal condition of marriage, and not of particular exceptions to which our Blessed Saviour had drawn attention. He felt that it was not in his power to vote for the Amendment, though he had objections to some portions of the Bill.

THE BISHOP OF DURHAM concurred with what had fallen from his right rev. Brethren (the Bishops of Salisbury and Bangor), and as the law of the Church and the common law of England were both in harmony in proclaiming marriage to be indissoluble, he should vote against the second reading of the Bill.

THE MARQUESS OF WESTMEATH suggested that if the Bill were read a second time a clause should be inserted extending its provisions to Ireland.

THE LORD CHANCELLOR said, it was impossible to make a common tribunal for England and Ireland. It was his intention, as soon as they got the sanction of the Legislature to such a measure for England, to introduce a similar measure for Ireland.

THE MARQUESS OF WESTMEATH observed that he had known several Bills for the amelioration of the law introduced having reference only to England, with a promise that a similar measure should be introduced for Ireland, but nothing of the kind had been done.

THE BISHOP OF OXFORD said, that when he addressed their Lordships upon this question on a previous occasion, he stated that he felt some difficulty in resting his opposition to the measure on the ground of Divine prohibition, but that the preponderance of his opinion was, that the words of our blessed Lord had distinctly settled the question. Since then he had applied himself with all the diligence he could command to the study of the subject now under consideration. Day after day he had gone through the several passages of Scripture to which so much reference had been made, aided by the best light which history and authority could throw upon it, and the result of his inquiries was, that he acquiesced in the conclusions which had been stated by his right rev. Friends, and felt bound in conscience to oppose the measure. The charge of "quibbling" had been applied to the right rev. Bench, but he thought that such epithets, directed against Christian men who endeavoured to give what they knew to be an unpopular interpretation to God's word, without one earthly motive except their single desire to clear their consciences from sin, were clearly inapplicable. The "quibble," as imputed, was this:—Our blessed Lord was recorded by Matthew as having spoken, on a particular occasion, on the subject of divorce, and to have used certain words now cited in favour of the allowance of divorce. But our Lord at that time was speaking to the Jews, misled by the glosses of the Scribes and Pharisees, and he said to them that they had made void the law of Moses by their traditions with regard to the commandment which bade them honour their father and mother, and he showed them that on that subject no new commandment was required, but that they should simply return to the Mosaic code. So in this case, our blessed Lord was speaking to the Jewish race, and he said, "You have here, through the glosses of the Scribes and Pharisees, come to an understanding that you may for every cause give your wife a writing of divorce and put her away." Then he added, "but Moses never gave you any such authority; he only permitted you to put away your wife when you found uncleanness in her." The Evangelist who recorded this passage added, that afterwards our Lord retired into the house, and that the disciples went and asked him what was the law of the new kingdom on the subject of marriage. Now, here we were clearly to look for an explication of the whole matter; and then, what did our blessed Lord say? He said, that in the new kingdom there could be no such divorce of those whom God had joined as would permit either, in the life of the other, to marry. It had been urged that St. Paul wrote to the Corinthians, "Let not the wife depart from her husband; but if she depart"—and their Lordships would observe that this was not given as a law but as an exception —"let her remain unmarried, or let her be reconciled to her husband, and let not the husband put away his wife." When the Bishops, after carefully considering this subject, therefore came to a settled conclusion upon it, he contended that they were not obnoxious to the charge of quibbling, especially when they could refer to such passages as the saying of our blessed Lord, "Every man who marries her, who is put away, committeth adultery." This brought him, however, to an important question. Was the woman who had committed adultery to be entitled, by reason of her sin, to greater privileges than those extended to other women—was the woman who had broken the *vinculum* by her adultery to be free to marry again, while the woman who had been unjustly put away was not to marry again? He had understood his noble and learned Friend Lord Lyndhurst to say, that the Popes and Councils of the Church had determined that marriage was not indissoluble. Perhaps, however, in such a case as this, where his noble and learned Friend had evidently been brushing up his ecclesiastical lore, he (the Bishop of Oxford) should be pardoned for starting a lawyer's objection, and for saying that he could not take these cases upon the mere assertion even of his noble and learned Friend. They must be cited before he could attach any weight to them. [Lord LYNDHURST: There was the case of Napoleon I., who married again in the lifetime of Josephine.] He received this case as cited, but thought it would not be reckoned as a very primitive authority upon the question. The re-marriage of Napoleon I. could certainly not have been pronounced upon or favourably viewed by any very early Father. Instead of believing that the Popes and the Councils of the Church laid down the dissolubility of marriage, the result of his own inquiries led him to a directly opposite conclusion. The Apostolical canons laid it down distinctly that no marriage could be so dissolved as that the parties could marry again in the lifetime of each other. Justin Martyr, St. Innocent, the Council of Carthage, 407 years after the death of our Lord, St. Jerome, and St. Chrysostom, all held this language, and his noble and learned Friend's great authority, St. Augustine, over and over again said the same. It was indeed quite impossible that language could be stronger than that used by St. Augustine upon this point. In his commentary upon St. Paul, after alluding to the Apostle's teaching on the subject, he said, "*Hœc verba Apostoli, toties inculcata, toties repetita, vera sunt, plana sunt, sana sunt,*" and added, "It is lawful, therefore, for a man to dismiss his wife for the cause of fornication, but the *vinculum* of the marriage lasts on, and it is not lawful for him to marry." [Lord Lyndhurst: In the early part of his works he does not say so, though towards the close of his works he may.] His noble and learned Friend had fallen into a considerable error on this point, as any great man might when he did not thoroughly understand his subject. No doubt he had been misled by marginal notes, by indexes, ponderous volumes, tomes. St. Augustine laid down the indissolubility of marriage in every part of his writings, and especially in his commentary on the 5th chapter of St. Matthew, in those two grand treatises which had always formed for all Christendom the great storehouse of argument upon this subject. He then proceeded in his *Retractions*, which were about the last things St. Augustine wrote, though placed by the editors at the beginning of his works, and if he had changed his mind, he would certainly, with that extraordinary honesty which belonged to him, have there owned to it. He confessed that he had fallen into some minor errors, but he never said that he had altered his opinion that a marriage once contracted was by God's ordinance indissoluble. It must be borne in mind, too, that St. Augustine did not rest his question upon any notion of sacramental evidence. Noble Lords thought this alleged indissolubility of the marriage tie a mere invention of the Middle Ages, adopted by the Church of Rome at a particular time to bear out the sacramental doctrine. This was not so, however. It was made to rest upon God's ordinance. He (the Bishop of Oxford) had the misfortune to miss a portion of his noble and learned Friend's argument on a former occasion; but if what had been attributed to him by the reporters were correct—and he did not suppose that those gentlemen whose reports were commonly so accurate had done him injustice—his noble and learned Friend was carried away a little in one of his flights. He had quoted a curious passage, apparently to show that it was doubtful whether St. Augustine believed that the great crime therein spoken of was a crime; but his noble and learned Friend did not say that St. Augustine introduced that same story with the words *quod hominum sensus excludit*—conveying by this his opinion that, according to the common sense of man, this was a sin against God. The argument was that there existed a high probability that the words of our blessed Lord referred marriage back to its original institution, and intended to state that it was indissoluble; and there was a certainty that He said that a divorced woman could not after adultery be married again. The stream of Church authorities, at their highest and purest sources, before the Middle age corruption set in, was clear and decisive in declaring this to be the doctrine of the Church, not resting upon any sacramental notions, but upon Scripture.

Lord LYNDHURST: What I said was, that St. Augustine holds distinctly that adultery, whether committed by man or woman, is a justifiable cause of divorce. His only doubt I affirmed to be as to whether the parties should afterwards have the right to marry again.

The Bishop of OXFORD remarked, that the whole question depended upon the right of the parties to marry again. All he desired to press upon their Lordships was that his most learned Friend had not shown from St. Augustine that adultery was a justifiable ground for re-marriage. If their Lordships liked to call separation *à mensâ et thora* divorce, he granted that adultery was a sufficient cause of such a divorce; but if they meant that it gave the power to re-marry, then he maintained that it conferred no such authority, and it was because he believed that many noble Lords understood his noble and learned Friend to argue that St. Augustine justified divorce, and not merely separation, that he ventured to call attention to this point. This being so far the case, he must, of course, vote against the second reading of this Bill, which he believed justified and legalized the marriage of the divorced woman, undeniably forbidden by our Lord. He thought this would settle the question for those who received the word of revelation. What hope would there be for the prosperity of this country if, in even one instance, the law of Christian Britain was made at variance with the law of Christ? This, however, was not his only objection to the Bill. He objected to it as a whole, and not alone because of its details. He objected to it because he thought it was dealing with a great subject in a most imperfect way. Even if he were prepared (which he was not) to grant the dissolubility of marriage, he must still oppose this Bill; he must oppose it on the ground that the marriage law of this country was a stain upon our statute-book. He believed that our law operated in the grossest and most unjustifiable way upon the woman, taking away from her those rights which God intended her to possess, and of which no human legislation ought to deprive her. But, because he felt indignant at the continuance of those odious, and worse than odious — unjust — laws which, in cases of actions for criminal conversation, condemned undefended and defenceless absent women, was he therefore to consent to still worse laws? He did feel indignant at the present state of the law, but still he felt bound to refuse his assent to a remedy which proposed to leave the greater portion of the present wrong unredressed. The Bill, too, came before them with a certain amount of false pretence, because it professed to put all classes of the community on an equality in this respect; while the fact was, that as it stood it would not afford, as it pretended to do, any relief to the great mass of the people of this country, and only gave more extended *privilegia* to the rich. The noble and learned Lord, no doubt, meant nothing of the kind, but he was a very sanguine man, and regarded the productions of his brain much as a too partial parent watched the progress of his spoiled child. The Bill, however, did come before the House under something like false pretences, because it assumed that the same right to redress should be given to the poor man as was possessed by the rich, which was not the case, and which was an impossibility. The very machinery of the court proposed to be established would be a bar to it. Let the House remember the counsel who must be employed in such causes—men of the greatest eminence, and who would naturally expect the heavy fees to which their abilities and learning entitled them. Then, again, there was the expense of bringing witnesses. It was true a suggestion had been made that commissions might issue to take evidence upon the spot; but were their Lordships prepared to set aside the only machinery which at present formed the great bar to collusion? At present the greatest difficulty in that class of cases was to guard against collusion, but the plan of commissions would destroy the only safeguard which existed. At present the safeguard against collusion was that one of the two parties was bound in heavy recognizances to society and did not dare to forfeit them, because if she did she was cast out upon her admission of the guilt imputed to her. That safeguard, however, would not descend to the lower classes, who were not bound by fashion or governed by any secondary motives which would operate to prevent them from obtaining a licence for adultery under the proposed law. Just let the House consider the effect of the law. Every lawyer would say that, if this Bill were passed, in the end such causes must go down to the County Courts. Were their Lordships prepared for that? and yet if once they entered upon this course it was impossible to say where they would stop. At present the law said that all marriages were indissoluble, and only made exceptions in certain cases where the Legislature interfered by exceptional action. But the Bill proposed to declare it to be the right of every Englishman to have that relief, and it was impossible to suppose that such relief should be practically confined to men with more than £2,000 a year. He reminded their Lordships that, through God's blessing, they had inherited a nation and society in which, with all its many faults, it could truly be predicated that there was no nation in Europe in which upon the whole family purity was so much prized as among the mass of the people of these islands. That was the case under the existing law, and he would ask was it the course of wise and prudent men to enter rashly upon a change of that system in order to introduce one the consequences of which they could not entirely foresee? The history of every nation which had pursued that course showed that increased facility produced increased occasion for divorces, while at the same time morals were lowered, purity sullied, and the honour of married life invaded. He would warn them to consider what had been the consequences of such a course in France during the last century, and begged them to remember the words of Burke, who said that it had been the wisdom of every Christian Legislature to add every conceivable safeguard to the purity of marriage, but the anti-Christian synod then holding its orgies in France had begun by breaking down all those restraints that made marriage mysteriously sacred, and by granting facilities for divorces, which destroyed the only securities for the purity of married life. France, however, taught by the dreadful experience of the past, had long recoiled from the fatal step she had taken, and was even now engaged in the attempt to re-establish the sanctity of the marriage tie—and thus while Christian England was being called upon to render marriage dissoluble, France, with experience of the miseries entailed by such a course, was making marriage indissoluble as the only means of preserving its sacredness. The noble and learned Lord (Lord Campbell) had stated that all Protestant Churches held marriage to be dissoluble; but he had not enumerated them. Perhaps the noble and learned Lord did not call the Church of England a Protestant Church, for she had never inculcated such a doctrine. If, however, they looked to the particular Church of Protestant Europe (Prussia) which had taken an opposite course, what did they find? Divorces increasing as facilities were increased. He might be told that this Bill did not propose to grant divorces for all causes; but so it had been in all countries. In all, the door at first had been opened only to admit divorces for adultery, but the consequence had been that all other causes were finally admitted. Reference had been made to the *Reformatio Legum*, but it was unfair to quote an isolated passage and to ignore all other portions of the book. While that code proposed to make adultery a ground of divorce, it also proposed in cases where a man had seduced a woman he should, upon proof, be condemned to marry her, and, if that were impossible, then that one-third of his goods should be made over to her. Such was the code which they were told was an exceedingly good one. He thought it was scarcely fair that those who held different opinions should be referred to such a book as a true interpretation of the word of God. It proved that the minds of great and honest men, in the first mastery of new truths, were almost intoxicated by the greatness of the draught; that in casting away a multitude of errors they were in imminent danger of losing hold of a multitude of truths; and when, therefore, they were told to go to the Protestant Churches for a lesson upon this subject, he asked them to observe how the two systems had worked. The operation of the one they saw in England, with its purified Church and its great amount of matrimonial purity; and the effects of the other they beheld in Prussia, labouring now with difficulty to get back again into that state from which they were asked at the present moment to depart. Although in Prussia the proposition did not go as far as to bring back the law to the state in which it stood in England, it was a retrograde movement in that direction, carried as far as those who had the management of it could advance. Surely they had cause enough to do that. Many of their Lordships might have seen that very day, in one of these remarkable publications which were frequently sent to the daily press, a statement of the condition of things in Prussia. The result was that between 1820 and 1830, in a population of 12,000,000 there were 3,000 divorces, or twenty-seven to each 100,000; and if they struck out that part of Prussia in which the Roman Catholic religion prevailed, they would find that there was one in every 247 married couples divorced within a year. Were they, then, to be sent by the noble and learned Lord on the woolsack to what he was pleased to call all the Protestant Churches, if such had been the manner in which the system had worked for a long period among the singularly moral, calculating and passionless people of the Prussian provinces? We had received from God, in this respect, a great advantage—in laws purified from the abuses of the Middle Ages, and yet retaining the savour of ancient Christianity strong upon them. We had, under those laws, seen a population growing up the like of which could not be exhibited in Europe for domestic virtue and married purity. Their Lordships were asked to change altogether the condition of every married person in England. The Church taught the people that marriage was indissoluble except by death; but they were now to be told that they might take one another, not for better and for worse, but until the sin of one might enable him or her to put the other away and marry again. It might be long before the people would take advantage of the new law, for such changes seldom appeared in their full effects all at once; but slowly, step by step, it might change the whole moral aspect of the nation, and deteriorate the temper of the people. He therefore asked their Lordships to pause. Let them pass laws that would give the woman her rights, but avoid mixing them up with those disputed and difficult questions which stirred the consciences of men. Let them not by a side-wind, while professing to remove the injustice which was done to women, abolish that marriage law which from the first had been the rule in Britain. He implored them to consider one other point. The Bill, if passed, would leave the conflict created between the law of the Established Church and the law of the statute-book unadjusted. It would place churchmen in an extremely difficult position. They were at present under a law to which it was their first duty to yield a ready obedience, and to which, by the direct action of legislation, they were required to declare their assent and consent. That ecclesiastical law was left where it was, and yet it was now proposed to subject them to a law which, if obeyed, would compel them to violate it. No set of men ought to be put in such a position, but especially those who should be leaders and examples in straightforwardness of conduct, and in simplicity of conscientious obedience at once to the laws of the State and to the laws of the Church of which they were members. The Bill, in short, was one of those haphazard pieces of legislation which changed great institutions without seeing the end of what it proposed, and which never failed to involve the people subjected to them in many and serious difficulties. He entreated their Lordships to remember that the question before them was a foundation one. It was not one of those little things which floated upon the surface of society; it reached its very roots, and must stir it for ages to come; and therefore, believing that the Bill contradicted, certainly and unnecessarily, one important fact of the teaching of our Lord—that it probably contradicted another—that it unsettled the whole of our existing law—that it made provision for all kinds of future entanglements—that it professed to give relief to persons whom it would never reach—and that it left the question of marriage in a hopeless state of confusion—he entreated their Lordships to pause before they took one step in advance, and to vote with him that the Bill be read a second time that day six months.

The Bishop of LONDON said, that their Lordships would excuse him if, even at that late hour, he ventured to address some observations to them, for he felt that he should not be discharging his duty if, since his views upon this subject had not been expressed by any of his right rev. Brethren who had yet spoken, he did not state the reasons which would induce him to support the Bill. He thought that the argument derived from the Scriptures was one which could very readily be ascertained. The Sermon on the Mount—a portion of Scripture which he had yet to learn was not directed to all Christians—contained an assertion which he believed every Protestant Church regarded as decisive upon the question before their Lordships. And when in other passages they found a general statement that it was a crime to put away a wife, they must remember that general statements were seldom to be taken as holding in all cases in that qualification. If they were told that all children should honour their parents, it did not preclude instances of parents being wholly undeserving of the honour of their children. If they were told that there should be no separation between husband and wife, there might still be cases of such foul iniquity as to effect the utter disruption of the marriage tie. As to the testimony of the Fathers of the Church, he believed there was scarcely any subject on which a whole string of the Fathers could not be brought on one side and a whole string upon the other. If they turned to the case of the Duke of Norfolk in the *State Trials*, they would find Bishop Cousens quoting the Fathers quite as conclusively as the right rev. Prelate (the Bishop of Oxford), and as to the authority of the Mediæval Church, but on the opposite side. When it was so easy in practice to dissolve marriage by making it invalid, as the noble Lord on the woolsack had stated, they could hardly wonder that no difficulty was found in declaring it to be formally indissoluble. It was said that the law of the Church of England was that marriage was indissoluble. Of course there was no provision for the dissolution of marriage, but he was not aware of any authority for this broad statement, and those who argued from the fact that there was no provision for divorce without an Act of Parliament, to the doctrine that marriage was held to be altogether indissoluble, greatly overstated the case. If such were the law of the Church of England, why were the clergy called upon to re-marry persons whose marriages had been dissolved by private Acts. It appeared plain that the mighty convulsion with which they were threatened by the right rev. Prelate ought to have come long ago, because the dissolving of marriage by what, to borrow a phrase from his right rev. Brother's speech, he might call haphazard legislation, had been in action for the last 150 years. In his conscience he believed that the time was come when that sort of exceptional arrangement ought to be done away with. It was, he was prepared to maintain, the universal opinion of Protestant Churches that in some grave cases marriages might be dissolved, and in those cases he thought it better that the dissolution should be pronounced by such a Court as was proposed by this Bill than by private laws. The present system was likely to do far more harm than good, and an opportunity now opened of satisfactorily settling the question upon an intelligible and religious basis. He therefore hoped their Lordships would read the Bill a second time.

The Duke of ARGYLL said, that seven right rev. Prelates had now given their opinions on this question, a majority of whom were in favour of the course indicated by this Bill, and among those who opposed it, the right rev. Prelate, the Bishop of Oxford, had changed his position. In the last debate the right rev. Prelate stated his opinion that the words of our Saviour gave express sanction to the dissolubility of marriage. It had been then well remarked that it was a moral and religious wrong to set about, by human invention, to checkmate that which was declared to be the Divine permission. The right rev. Prelate found his position untenable, and very naturally, under the influence of his long-sustained objections, was now disposed to give greater weight to the argument that the dissolubility of marriage was opposed to the doctrines of the Church. He was himself disposed to agree with his noble and learned Friend (Lord Campbell) that no rational man could read the passage in St. Matthew without coming to the conclusion that distinct permission was given to marry again in case of divorce by reason of adultery. He had some reason to complain of the language of his right rev. Friend (the Bishop of Oxford) when he said the Bill came before the House under false pretences, inasmuch as it would still fall short of giving to the poor equal facilities with the rich. But even if it were true, which he (the Duke of Argyll) did not admit, that the benefits of this Act could not be enjoyed by the poor, it was no argument against the Bill, so far as it went. The present system is at least infinitely more exclusive; it reaches, let us say, some 5 per cent of the population. If the benefits of this Bill should reach only some 50 per cent of the population, if it were conceded that it was founded on a right principle it was a great step in the right direction. One objection to the new tribunal was its cost, arising out of its holding its sittings in London, which, the right rev. Prelate said, would preclude the poorer classes at a distance from availing themselves of its jurisdiction. But that objection did not hold good. Look at the case of Scotland. Though parties seeking divorce in that part of the kingdom had to go to a central court situate in Edinburgh for that purpose, and had often to travel great distances, it was an established fact that of the whole number of divorces in Scotland the vast majority had been cases among the poorer classes. From November, 1836, to November, 1841, the Court of Session in Edinburgh pronounced ninety-five sentences of divorce *à vinculo* — the parties concerned all belonging to the humbler classes, except in a single instance, in which a lady of rank sought divorce from her husband. The inconveniences from having to attend a central court were quite as great—indeed, greater than they would be in England, where the facilities of railway travelling are greater in proportion; and, therefore, he saw no reason why the remedy should not be as cheap in England as in Scotland. There was but one plain and obvious ground for limiting the courts through which divorce should be accessible. The danger of collusion must be met as far as possible. The cause, therefore, must be heard by some court capable of sifting the evidence. But if the local courts were or should become capable of sifting the evidence, he saw no reason why the power of granting divorce should not be extended to them. When he read in *The Times* of that morning the communication from the correspondent of that journal at Berlin on the subject of the operation of the law of divorce in Prussia, he well knew that it would be used by his right rev. Friend (the Bishop of Oxford) in the debate of that evening to support the view he took of this question, But he (the Duke of Argyll) denied that the case of Prussia was in the slightest degree relevant to the case under consideration in their Lordships' House. For example, the not having any children and mutual consent was one of the grounds of divorce in Prussia; but we in this country grounded ourselves upon principle. We said we had a clear intimation in the Divine law of one ground, and one ground alone, on which divorce was permitted, and we thought that where there was the Divine permission we ought to grant it; but, because we admitted this one ground of divorce, authorized as it was, there was no reason for fearing that we must afterwards admit other grounds of divorce. He would only further express his entire concurrence in an observation which had fallen from the venerable Prelate who presided over the Church of England, when he expressed his gratitude that on this question we had the comfort and guidance of a clear expression of the Divine will. There were many questions within the debatable land which lay between politics and religion, on which that House should always be ready to defer to the opinion of those Fathers of the Church who had seats in the House. There were other questions in which no difficulty could arise, and with respect to which he thought it ought to be not only the privilege, but the duty of the lay members of our Christian Legislature to form their own view of the words of Scripture and of their duty as a Legislature, and, having formed an opinion, to act upon it with decision and energy. The present was one of those cases; and if their Lordships on his (the Duke of Argyll's) side of the House had not had on this occasion one member of the episcopal bench on their side—if they had found all the right rev. Prelates trammelled with doubts and difficulties derived from the traditions of a corrupt age, he should still have asked the House to do two things—first, to grant the remedy of divorce on that one ground on which Scripture had permitted it to be given; and, secondly, not to attempt to extend the ground of divorce beyond that clear point.

THE BISHOP OF LINCOLN: My Lords, I shall trespass very briefly on your indulgence; but I am unwilling that we should go to the vote without a word of explanation, lest others of your Lordships should share the errors into which the noble Duke below me (the Duke of Argyll) has fallen, in supposing the amount of difference of opinion on this Bench to be much greater than it is. I believe that my right rev. Brethren are all agreed (with the exception of my right rev. Brother on my left, the Bishop of Salisbury), that divorce is permitted in Scripture in the case of the adultery of the wife. We all agree, as far as I am aware, that it is not permitted to the divorced adultress to marry again—at any rate with the partner of her guilt. This prohibition I, for my part, consider so essential, and so important to public morality, that I find myself obliged to vote against the second reading of a Bill which omits to provide for it.

Legislators, my Lords, must not be optimists. They must treat human nature, not as it might be, not as it ought to be, but as it is. And taking it as it is, can we doubt that the permission to the adulterous parties to marry will greatly increase the temptation to adultery? Look, for example, at the numerous cases of ill-assorted marriages, where the parties discover, when too late, that they have made their choice and have chosen amiss; when the woman especially finds that she has thrown her one cast in life, and has lost. Suppose a wife, under such circumstances, solicited by the tempter, will it not add tenfold power to the temptation should the thought cross her mind, that, by yielding, she may not only free herself from an unhappy, perhaps a hateful marriage, but may be enabled to contract another, which, in the moment of temptation, at least, promises to be one of happiness?

I will take this opportunity of alluding to another omission in this Bill—if omission it can be called. Much has been said—much more than they deserve—of the abuses of the Ecclesiastical Courts. Much has been said, especially, of the need of legislation on the subject of divorce. But much more has been said—and most justly—of the evils attending the present system of trials for criminal conversation, when the infidelity of the wife and the guilt of the adulterer are measured by a money standard. But this Bill omits to abolish these trials. The noble and learned Lord, indeed, removes them from their present position, and places them after the divorce is obtained, instead of before it; but this is only to make their character more objectionable than it is. At present the excuse and justification of an action for damages is, that it is a necessary step to an application to your Lordships for a Bill of divorce; but the husband who, after obtaining the divorce, shall, under the provisions of this Bill, bring an action for criminal conversation, will be self-condemned of seeking to compensate himself for his dishonour by a mere money payment.

Let us have no more, my Lords, of these disgraceful actions, the reports of which in the newspapers are the only authorized immoral publications—the only ones which the strong and impartial arm of my noble and learned Friend, the Lord Chief Justice, cannot reach. Let not twelve respectable men be put together in the jury-box to estimate, as best they may—while the ingenuity of counsel on both sides is chipping away the character of either party—the money value of a husband's dishonour and of a woman's guilt. Place the adulterer in the criminal's dock; let him stand in the face of the Court by the side of the forger and the burglar, who are not more guilty than he. Let the people understand that adultery is not a foible to be treated lightly, nor a fault to be compensated by a money fine, but a crime against the laws of man, as well as a sin against the laws of God.

On Question, "That 'now' stand part of the Motion?"

Their Lordships *divided*:—Contents 47; Non-Contents 18: Majority 29.

Resolved in the *affirmative*; Bill read 2^a accordingly, and committed to a Committee of the whole House on Monday next.

CONTENTS.

Canterbury, Archbp.
Cranworth, L. (*L. Chancellor.*)
Granville, E. (*L. President.*)
Harrowby, E. (*L. Pr. Seal.*)

Breadalbane, M. (*L. Chamberlain.*)
Westmeath, M.

Spencer, E. (*L. Steward.*)
Abingdon, E.
Airlie, E.
Amherst, E.
Clarendon, E.
Munster, E.
Romney, E.
Stanhope, E.

Eversley, V.
Sydney, V.

Bangor, Bp.
Bath and Wells, Bp.
Carlisle, Bp.
Kilmore, &c., Bp.
Llandaff, Bp.
London, Bp.
Ripon, Bp.
St. Asaph, Bp.
Winchester, Bp.

Panmure, L. (*U.P.S.*)
Abinger, L.
Aveland, L.
Belper, L.
Brodrick, L. (*V. Midleton.*)
Calthorpe, L.
Campbell, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
Crewe, L.
Foley, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)
Lyndhurst, L.
Polwarth, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wensleydale, L.
Wycombe, L. (*E. Shelburne.*)

NOT-CONTENTS.

Norfolk, D. (*E. Marshal.*)
Beauchamp, E.
Carnarvon, E.
Hardwicke, E.
Mayo, E.
Nelson, E. [*Teller.*]
Powis, E.
Talbot, E.

Dungannon, V.

Chichester, Bp.
Durham, Bp.
Lincoln, Bp.
Oxford, Bp.
Salisbury, Bp.

Petre, L.
Redesdale, L. [*Teller.*]
Stafford, L.
Wynford, L.

House adjourned at a quarter-past Ten o'clock till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, May 19, 1857.

MINUTES.] PUBLIC BILLS.—1° Sheep, &c. Contagious Diseases Prevention.
2° Ministers' Money (Ireland).

THE SAVINGS-BANK BILL.

QUESTION.

MR. COLLINS asked the Chancellor of the Exchequer what time he intends to fix for the Second Reading of the Savings Bank Bill issued on Saturday, and also whether he will incorporate in the Bill the rules which it is proposed to give the Government power to make for the future regulation of these banks.

THE CHANCELLOR OF THE EXCHEQUER said, that the Bill stood for a second reading to-morrow, and as there appeared to be little or no objection to the principle of the Bill which was intended to give the Government a security as a guarantee to depositors, he proposed to read it a second time on an early day, say Friday or Monday, without discussion, to commit it *pro formâ*, in order to introduce certain Amendments which he contemplated in consequence of suggestions which had been made to him, and then to fix a convenient day for its consideration in Committee. As the real discussion would turn on certain clauses of the Bill which were objected to, he apprehended that it could be carried on much more conveniently in Committee. He would take the present opportunity of answering a question put to him yesterday by the hon. and gallant Member for Westminster (Sir De L. Evans) in reference to the Report on Military Education. That Report was ordered to be printed by the House in July, 1856. It was printed and circulated to every Member, but there was a voluminous appendix, which it was not thought desirable to circulate on account of its bulk and of the expense, but copies of it were sent to the office for the sale of Parliamentary papers, and any Member who desired to have a copy could get one on application there. He understood that the hon. and gallant Member had himself received a copy, both of the Report and Appendix.

MR. HADFIELD said, he wished to know whether the Savings Bank Bill would be reprinted, and time allowed before its recommittal for communication with the country?

THE CHANCELLOR OF THE EXCHEQUER said, that the Bill would certainly be reprinted after its committal *pro formâ*, and sufficient time allowed before the next stage for the purpose referred to by the hon. Member.

MR. BARROW said, he wished to inquire if the regulations alluded to by the hon. Member for Knaresborough (Mr. Collins) would be introduced into the Bill?

THE CHANCELLOR OF THE EXCHEQUER said, he proposed to make some alterations in the clauses by which power of making regulations was conferred on the Government, but he did not propose to set out in the Bill the regulations themselves.

THE CHELSEA BRIDGE—QUESTION.

SIR JOHN SHELLEY asked the First Commissioner of the Board of Works at what period he expects that this bridge will be opened? also, whether it will be a toll-paying bridge, and if so, what is to be done with the tolls received after the expenses of keeping up the bridge has been defrayed?

SIR BENJAMIN HALL said, he hoped the bridge would be opened in August next. The Act of Parliament declared that it should be a toll-paying bridge, and also provided for the disposal of the tolls received. They were to be applied in the first place to the maintenance of the bridge, next to paying the expenses of its construction, and lastly, if the time should ever arrive when there was a surplus, the surplus was to be paid into the fund for the purposes of metropolitan improvements.

RATING OF MINES COMMITTEE.

NOMINATION OF MEMBERS.

MR. HADFIELD moved that Sir JOSEPH PAXTON should be added to this Committee.

Motion made, and Question proposed, "That Sir JOSEPH PAXTON be added to the Select Committee on the Rating of Mines." But notice being taken that the House had ordered that this Committee should consist of sixteen Members, and had already nominated that number;

MR. SPEAKER stated that no other Member could be added, without leave of the House previously obtained, and that the Question therefore could not be put.

AGGRAVATED ASSAULTS BILL.

MOTION FOR SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

SIR GEORGE GREY said, he felt it his duty to oppose the further progress of this Bill. The present law empowered two magistrates and a stipendiary magistrate to commit to prison for a period not exceeding six months, and to impose a fine not exceeding £20. The Bill of his hon. Friend reduced the maximum of imprisonment from six months to two, and repealed the fine, both of which alterations he (Sir G. Grey) thought uncalled for and injudicious. But there was another feature of the Bill to which he objected still more strongly—namely, that which gave power to two ordinary magistrates, and to one stipendiary magistrate, to order the punishment of whipping. If that provision was adopted, it would be the only instance on record in our statute book in which, without the intervention of a jury, a magistrate could inflict the punishment of whipping on adult males. While participating in the general indignation against persons who committed these offences, he must protest against the infringing one of the great principles of our law, and the entrusting such a power to one or even two magistrates without the intervention of a jury. The only case at all analogous in the present law was, the power given to justices at quarter sessions to inflict the punishment of whipping on incorrigible vagrants—persons, that is, who had been repeatedly convicted of vagrancy; but a court of quarter sessions was very different from a single magistrate, and, in point of fact, the punishment was never inflicted. He could not see that any ground had been laid for an alteration of the existing law, which he believed had worked well, or for introducing a new punishment, which, however it might be deserved in some cases, ought not to be inflicted, he thought, without the intervention of a jury. With regard to the frequent appearance of reports of assaults on women in the newspapers, that was owing to the circumstance that the parties committing them now got brought to justice as they deserved, whereas formerly, from the expense and uncertainty of a trial at the sessions, they almost invariably escaped. He should therefore move that the Bill be now read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. DILLWYN said, that the right hon. Baronet had taken a different issue to what he had expected. He (Mr. Dillwyn) did not mean to say that the present law had done no good; his argument was that it had not reduced these offences to the minimum number. His reason for proposing a diminution of the period of imprisonment from six to two months was that generally six months' imprisonment of the husband meant six months' starvation or dependence on the parish for his wife and family. He should be glad that these cases should be submitted to juries were it not that the adoption of such a course would give rise to much delay and considerable expense, which would defeat the objects of his measure. He proposed to substitute the punishment of whipping for that of imprisonment, because those who committed these offences were usually such savage brutes that an appeal to their sense of feeling was the only one which was likely to be attended with success. He did not deny that the present system had reduced these offences, but what he said was, that it had not reduced them to the minimum which the country had a right to expect. He would, therefore, ask the House to try the measure he proposed as an experiment. If he failed, if crime was committed to the same extent as at present, by all means he should say repeal it, and try some other. He did hope, therefore, as no other plan had been suggested as yet, the House would allow the Bill to be read a second time, and allow the remedy to be tried, which he had proposed.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 86; Noes 221: Majority 135.

Words *added;* Main Question, as amended, put and *agreed to*. Bill *put off* for six months.

MINISTERS' MONEY (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. FAGAN rose and said that, in consequence of what had taken place a few evenings before, when the Bill had been introduced, and in consequence of the Amendment placed on the paper by the right hon. Gentleman the Member for the University of Dublin, and considering also that there were a great many Members in the House who had not been present at the former discussions upon its subject, he must claim the indulgence of the House while he entered somewhat fully into the reasons why he claimed their votes in favour of the measure under their notice. In the first instance, he might be permitted to refer to a matter personal to himself. If any private Member were liable to adverse criticism for presuming to introduce an important public measure, he was that individual. On the first day of the Session the First Minister, in the course of a casual conversation, stated, in reply to an inquiry from himself, that it was the determination of the Government to take the measure into their own hands. Subsequently the noble Lord the Member for Tiverton, with that delicate courtesy which he (Mr. Fagan) highly appreciated, communicated to him that as he (Mr. Fagan) had so long had charge of the measure, and devoted his attention to it, he (Viscount Palmerston) thought he was entitled to the option of either permitting the Government to take it out of his hands or to take charge of it himself. On an occasion of this kind he hoped he was above personal considerations, and the first impulse of his mind was to leave the responsibility and the entire conduct of the measure to the Government; but, having consulted those of his friends who had been mixed up in it, he found they were unanimously of opinion that he should persist in bringing it forward himself. Nor did he regret this, for certainly, the state of public business showed that as a Government measure it would hardly have been standing for a second reading at so early a period of the Session. He humbly said, however, that he did not think the question had, up to the present time, suffered from being in his hands; but if the friends of the measure thought that, after the division of that evening, which he hoped would be a triumphant one, he should commit the care of the Bill to the

Government, he would most heartily adopt that course. He should now proceed to give the House a short history of the tax before he stated the reasons why he thought it should be abolished. It had been first imposed by Act of Parliament in the reign of Charles II. upon the city of Dublin and other corporate towns in Ireland having the cure of souls, but which did not at the time possess any provision for the maintenance of the ministers of the Established Church. The Lord Lieutenant and Privy Council had authority given them to name the towns upon which it should be levied, and had fixed for that purpose, besides Dublin, upon the towns of Cork, Waterford, Limerick, Clonmel, Kilkenny, Drogheda, and Kinsale. Now, it appeared somewhat remarkable that those eight towns should have been chosen for the payment of the tax, inasmuch as they were inhabited principally by Roman Catholics, while Belfast, Enniskillen, and other flourishing towns in the north of Ireland, the greater proportion of whose inhabitants were members of the Established Church, were exempted from the operation of the tax altogether. This Act of Charles II. was passed in the year 1665—three years after the Act of Declaration of Charles II.—when that Act had been made more adverse to the interests of the Roman Catholics. It had been argued by the hon. Member for the University of Dublin that the house property had originally belonged to Protestants, and had subsequently been transferred to Roman Catholics, and that therefore the Roman Catholics had no reason to complain. He (Mr. Fagan) was a disciple of Adam Smith, and he believed with him, and with Ricardo and M'Culloch, who entertained the same views, that all taxes on house property were essentially a tax upon the occupiers and not upon the property. Therefore it was that he had not agreed with the statement made by the hon. Member for Enniskillen before the Court of Chancery last Session—namely, that this tax was originally a tax upon the Protestant inhabitants of those towns for the maintenance of their own religion and ministers of their own persuasion. Assuming that to be the case, however, it only proved that they might as well expect to stop the rising tide as stop the entrance and growth of the national religion of a country when the people were faithful to that religion. The Act had in 1689 been felt to be so unjust, that when James II., in that year, assembled a Parliament in Ireland—a Parliament not recognized in this country because it was assembled by him—that Parliament had passed an Act abolishing ministers' money. In the preamble to this Act the tax was declared to be "a new inquisition, which had become very grievous." That, he contended, was a convincing proof of the feelings of the people of Ireland on the subject, when, some twenty-eight years after its enactment by Charles II., it had been repealed by an Irish Parliament convened by his own brother James. Attempts had been made to prove that this tax had not been felt as a grievance by the Irish people, because the question had not till a comparatively recent date been brought before that House. The reason was that for the 150 years that the tax had endured, it had been but a small infliction compared with the great grievances to which Ireland had been subjected. The hon. Gentleman proceeded to mention the various penal enactments against Roman Catholics in Ireland, from the reign of William III. down to George IV., and continued: That was why they had heard nothing of this ministers' money tax, because Ireland had been oppressed with so many greater evils. But in the year 1842 it had been brought for the first time to the notice of that House by a former colleague of his own, Mr. Serjeant Murphy, then one of the Representatives for Cork, who had proposed the abolition of ministers' money; but then there had been no substitute proposed, or, at least, the hon. Member had not thought of a substitute. He (Mr. Fagan) had not the honour of a seat in Parliament until 1847, but in 1848 he brought the question under the consideration of the House. He then proposed that a substitute should be found in the funds of the Ecclesiastical Commissioners. Those funds then amounted to about £70,000 a year, but he showed that year after year they would be in process of being increased until they amounted to £100,000 a year. A Select Committee was appointed to consider the subject. He objected to that course, because he thought that a sufficient argument in favour of the repeal of the tax was to be found in the annually increasing income of the Ecclesiastical Commissioners, and he regarded the Select Committee as another mode of shelving the question. However, the Select Committee went into the inquiry, and he saw some hon. Gentlemen opposite who were Members of that Committee. They reported that the augmentation of the funds of the Ecclesiastical Commissioners might be rendered available as a substitute for ministers' money. They recommended an amendment of the Church Temporalities Act, and they added that, although a new trust would be necessary, compensating advantages would be found in the social, moral, and religious considerations which demanded the repeal of the tax. At the time of the appointment of the Ecclesiastical Commission, church rates existed in Ireland, though not to so large an amount as in England; the sum thus raised was only £70,000 a year; but it was felt to be so great a grievance and insult to contribute to it that there was a general rising against church rates in Ireland, and for two years the churches were left without repair. Now, who was the individual who came down to that House and proposed the abolition of church rates in Ireland? It was the present Earl of Derby, the leader of the party which was represented by the right hon. Gentleman opposite, and from which the opposition to the repeal of ministers' money proceeded. The reasons that induced that noble Lord to propose the repeal of church rates were ten times more applicable to this tax. In the debate on the Church Temporalites Act Lord Derby, then Mr. Stanley, declared that it was the general opinion that, for the sake of the tranquillity and good order of the country, a different distribution of church property ought to be made, the mode in which the money was collected being in many instances more annoying to the Roman Catholics than the mere amount collected. This remark exactly applied to the case of ministers' money. The sum of £12,500 was not in itself a very heavy tax; it was the religious feelings which its imposition excited that made it odious. Lord Derby further stated that the measure of the Government was one which the best friends of the Church thought would be advantageous to that body, while it would afford relief to the people of Ireland, and also tend to promote union, not only between Catholic and Protestant, but between Ireland and England. Such were the sentiments of Lord Derby, the leader of the great party Opposition which now threatened a violent resistance to this Bill. Was there anything in the present state of things which should make them depart from the views thus expressed by Lord Derby? He (Mr. Fagan) ventured to say, if this Bill went up to the other House, that that noble Lord would not recede from the opinions to which he had formerly given utterance. He (Mr. Fagan), and those acting with him, had not proposed, as a substitute for ministers' money, to tax any churchman, or to reduce any bishopric. They had merely proposed that as by a recent Act of the Government, the Ecclesiastical Commissioners were in possession of ample funds to pay £12,500, they should not come down to seven towns and create and intensify religious differences by the collection of that tax. What, however, was the substitute of the Government of the day for the removal of church rates? Lord Derby proposed, in the first instance, that ten bishoprics should be destroyed, and that when each fell vacant by death the whole of the property and incomes attached to it should pass into the hands of the Ecclesiastical Commissioners. He also proposed a tax on all benefices above £300 a year; that all benefices where Divine service had not been performed for a certain period, should, with due regard to vested interests, go to swell the funds of the Commissioners; and that the tithes of all livings above £800 a year should, on their avoidance, be appropriated to the purposes of the Commission. Another arrangement which he made was that bishops' leases might on certain terms be converted into perpetuities. Mr. Finlaison, one of the ablest actuaries of the day, computed the value of those leases, when so converted, at £1,500,000; and on the plan being first adopted, an income of £40,000 a year was obtained by the Commissioners from this source. This sum had, however, since then greatly fallen off; and he (Mr. Fagan) thought that these perpetuities ought to be made more available to increase the funds of the Commission. This might easily be accomplished if the state of the law were only improved. For that purpose he would suggest that there should be a larger bonus given to the purchaser and to the new tenant, to enable them to go on, and where those purchasers left the purchase money on mortgage in purchasing the land, that they should only be called upon to pay 3 per cent interest instead of 5. If that suggestion were adopted, the result would be an almost unlimited income to the Ecclesiastical Commissioners. At present no persons holding bishops' leases would come in and purchase. In 1848 the income of the Ecclesiastical Commissioners was £70,000. Now it was over £100,000, and there was a yearly increase because the avoidances of benefices had not all yet occurred. Their expenditure for church purposes, which underwent very little alteration, was £35,000. Of this sum £22,000 went to pay sextons and parish clerks, and a clergyman of the Established Church had informed him that by consolidating the offices of these functionaries £8,000 of this £22,000 might be easily saved. He ventured to suggest, also, that the means for providing the elements for the Communion should be collected at the offertory, and not taken from the funds of the Commission. The next item of expenditure was that for Dublin curates; and here he would say that he believed it was entirely by inadvertence that the ministers' money had not been included in the Church Temporalities Act of Lord Stanley. A large portion of these funds was appropriated to the defraying of the expenses of working the Ecclesiastical Commission. He had no desire to inflict an injury upon any private person for the sake of the public good, but the information which he had received justified his suggestion that if there were only one instead of two paid Commissioners the work would be admirably done. The greatest item of expenditure was that relating to the repair and rebuilding of churches. It was a remarkable fact that during the last year the Commissioners paid away £12,500 under that head, the average expenditure being several thousand pounds less. The sum expended last year was only equalled in two previous years since the establishment of the Commission—namely, the first year of the Commission's existence, when several churches were found to be in great need of repair, and the year of the great storm, when three-fourths of the churches were unroofed. He did not wish to impute bad motives without cause, but the extraordinary large expenditure of last year certainly gave rise to the suspicion that the Commissioners were determined to reduce as much as possible the surplus which the Chief Secretary for Ireland had said was in their hands. He (Mr. Fagan) had been told that the expenditure was wasteful, and that in some instances churches had been repaired in which no Divine service was performed. He was glad that after the many laborious efforts which he had made in Parliament to put an end to this tax, and the many barren promises of support which he had received from Prime Ministers, the noble Lord now at the head of the Government was about to exercise all his influence in favour of this Bill. He could assure the noble Lord that his manly determination had gained for himself and his Cabinet more favour among the Roman Catholics of Ireland than any Government measure had gained for preceding Administrations since the passing of the Act of Catholic Emancipation. The Government of Lord Aberdeen entered into a compromise with him (Mr. Fagan) on this question; but he at the same time declared that he should never cease his agitation until the tax was totally abolished. By that compromise all £10 houses were exempted from the tax; and, although the Conservative Members were now present in large numbers for the purpose of opposing this Bill, yet they agreed in that compromise. That compromise and this Bill involved the same principle, and if hon. Gentlemen opposite did not think that the exemption of £10 houses was a violation of church property, neither should they oppose the total abolition of the tax when that abolition was justifiable as a State necessity. The present Chief Secretary for Ireland before his accession to that office always voted with him in the minorities upon this question, but as an instrument of the Government he was, of course, bound to see that the Act passed during the Administration of Lord Aberdeen was enforced when several of the Roman Catholic corporations refused to levy the tax. When the matter came before the Chief Baron of the Court of Exchequer he said that the Act of Sir J. Young was inoperative; but, strange to say, that learned Judge added, that as it was the intention of the Legislature that it should operate it was his duty to compel the corporations to collect the tax. The law advisers of the corporations advise them that the Chief Baron had laid down bad law, and unless this Bill put an end to the discussion the matter would ultimately be taken by way of appeal to the House of Lords. The two conflicting principles at work were, on the one hand, the principle of religious liberty, and on the other, that religious ascendancy which found championship in hon. Gentlemen opposite. The noble Lord recommended religious amity. The party opposed wished to keep up a small abuse, in order to secure the existence of a larger one. On the one hand he had been accused of violating his oath in attempting to procure the repeal of this tax; on the other, he had been taunted with over fastidiousness with respect to that oath. He admitted that by that oath he disclaimed any intention of weakening the Established Church, or of injuring the Protestant religion. He conscientiously believed, that instead of injuring the Protestant religion by removing the excrescence which this tax constituted, he was benefiting it. He would not willingly do anything to infringe on the oath he had taken, and would sooner die a thousand deaths than violate his oath in advocating this measure. Thanking the House for the patience with which they had listened to him, he moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. NAPIER rose to move the Amendment of which he had given notice, viz.: That the Bill should be read a second time that day six months. In dealing with this subject he would confine himself entirely to the principle of the Bill. That principle had been resisted by every Government that had been in power since he entered Parliament ten years ago. It was resisted by the Government of the noble Lord the Member for the City of London on several occasions, by the Government of Lord Aberdeen, by the Government of Lord Derby, and also by the Government of the noble Lord who was now the First Minister of the Crown. The principles involved in the Bill violated the sacred rights of property, and contravened the Church Temporalities Act, which he took to be a final settlement of the property question of the Church. What had fallen from the hon. Member, who introduced this subject, when he alluded to that Act, read to the House this lesson—that no concessions, however generous or liberal, would satisfy those whose ultimate object was the destruction of the Church Establishment of this country. He (Mr. Napier) could not expect in his arguments against this measure to make any impression on those who desired to make their voluntary system compulsory; nor could he expect to make any impression on those who voted with the late Member for Rochdale (Mr. Miall) when he proposed to set up all church property in Ireland to auction; but he did hope to make some impression on the attached members of the United Church of England and Ireland, and on the minds of sound constitutional Nonconformists; and he was not without hope of making some impression, if not on the vote, at least on the opinion and judgment, of the noble Lord at the head of the Government, for he believed the noble Lord had been misled into the position of supporting this Bill by an inconsiderate pledge given on the eve of last election. He spoke advisedly when he said he was misled into that position by the conduct of the Irish Government, and more particularly of the right hon. Gentleman opposite (Mr. Horsman). In treating this question it was essential there should be no controversy about the facts of the case, and he would therefore call the attention of the House to those facts, which were indisputable. The hon. Member (Mr. Fagan) alluded to the early history of this charge, and had adverted rather indistinctly to its connection with the Act of Charles II., and the declaration of that Monarch involved in the Act. This charge arose after the Restoration, and it was not an unimportant part of the question to consider that if the owner of property, having perfect and complete power over it, put a charge upon it for religious purposes sanctioned by law, and if that property should afterwards come into the hands of persons who did not concur in the religious views of the owner who imposed the charge, they would, according to the principle of this Bill, be justified in refusing to pay the charge so imposed, though the property was acquired subject to it. That was exactly the state of things involved in this question. The declaration of Charles II. adverted to the importance of encouraging the plantation of Protestant colonies in Ireland. The north of Ireland had already been largely colonised by Protestants, and it was thought desirable to plant other parts of Ireland, and especially the towns, with English settlers. The words of the declaration were "That all Papists who for the public security have been dispossessed of estates within any corporation, shall be reprised out of forfeited lands near the said corporation," and reference was particularly made to three corporations—those of Cork, Youghal, and Kinsale, the very baronies being mentioned from which they were to be recouped for property which they had lost. The declaration then went on to state that Protestant plantations should be settled, churches should be built, and maintenance for ministers thereof provided, and then followed the "new rules" for encouraging religion and inducing English settlers to settle in those towns. Then let the House attend to the language of the Act which immediately followed, and in which the charge was imposed. It distinctly gave to the Lord Lieutenant a general power to "lay a charge on houses in Dublin and the other corporate towns, and to raise sums to be paid to the parochial incumbent having actual cure of souls therein." The sum was not to exceed 1*s*. in the pound, and no house was to be valued above £60 a year, and then, after some words more explicitly declaring the charge to be good and effectual in law, as if it were payable out of the house in each case, it gave as the only remedy for non-payment distraint upon the goods found upon the premises. The Law Officers of the Crown would admit that where no personal remedy was given in the case of a charge, and where the remedy was only by distress, it must be held to be strictly and peculiarly a charge on property. The statute clearly made it a charge on property. The Crown and Parliament having complete power over this property, and having recouped those who had suffered the loss of any part of it, then imposed on the property this charge for the support of parochial ministers, the persons then bound to pay the charge being Protestants and Protestants only. The hon. Member opposite (Mr. Fagan) spoke of a precedent for the proposal in his Bill; and what was that precedent? It was the one set by James II. in 1689, when he attempted to repeal this Act of Charles II. That was the precedent which was held forth to be followed by the Protestant Prime Minister of the present day, and on the ground of that precedent he was asked to repeal a charge which was originally imposed, not on the property of Roman Catholics, but on Protestants, for no Roman Catholic could in those days hold property at all. He held that this which was the property of the United Church of England and Ireland, ought to be secured by as good a title, as were the estates of the hon. Gentlemen he saw around him, and which they so honourably enjoyed. He would now come to the Church Temporalities Act. The hon. Gentleman opposite gave it as his opinion that Lord Derby meant to include ministers' money in that Act, but the hon. Gentleman would find that in the very next Session after that Act passed there was an express reference made to parishes in which ministers' money was paid, and a section was introduced placing them on the same footing with rural benefices. Mr. O'Connell and Mr. Sheil were then in the House, and, though they were not sparing of their demands, and went as far as they could go with reference to Church property, there could be no doubt that they considered this as a permanent property of the Church. The Parliament abolished church rates, suppressed bishoprics, and taxed the clergy, but with this subject of ministers' money brought prominently before them, did not think that they were justified in touching it. It had never been suggested to confiscate the incomes of these parochial clergy; on the contrary, it was acknowledged by the Roman Catholics themselves that they were hard-working, meritorious men, and that it would be gross injustice to deprive them of one farthing of their incomes. What was the ground of objection to this tax? The proposition of the hon. Member was to take away from these meritorious men the income which they derived from a tax laid on property originally of Protestants, and which when it passed into the hands of Roman Catholics was taken with this charge upon it, for the simple reason that a proportion, though not a majority of those who were called on to pay the tax were Roman Catholics. Was this a principle which the noble Lord at the head of the Government would have his Parliament sanction? Was it a principle which any honourable man would sanction, that in a case, where no question could be raised between a debtor and his creditor but that of religion, a debtor should be allowed to repudiate a charge simply because he was of a different religion from his creditor? There was really no determining where such a proposition would stop. It would apply to the case of the tithe commutation. If the Roman Catholic tenant complained of the tithe rent-charge, the answer which he got was that it was part of his rent, that it had entered into the contract made when he took his land, that it was as much the property of the Church as the rent was his landlord's property, and that he had no more right to refuse the payment of the one than of the other. Two thirds of the charge were paid by the city of Dublin—by Protestants as well as Roman Catholics. It was a purely local charge, which people took into their consideration when they took a house, just as they did any other local charge; and was it reasonable that the whole should be swept away now, just because, forsooth! the noble Lord at the head of the Government, on the eve of the elections, misled by the Irish Secretary, and pressed by the hon. Member for Cork—a city which paid only one-sixth of the tax, and where, by the way, a very smart contest was then anticipated—had entered into certain stipulations, and allowed himself to give an imprudent promise of support to the Bill? The noble Lord had doubtless found out his mistake by this time, and would be glad to get out of the position to which he had committed himself, if it were possible with honour; it was to be hoped that some of his colleagues would come forward and extricate him. Let the House bear in mind the trusts of the Church Temporalities Act. That Act vested the property of the Church in the hands of the Ecclesiastical Commissioners, but entirely for Church purposes. The various trusts were recited in the Act, and it was specially directed that any surplus revenues, which should remain after the necessary trusts had been fulfilled should be applied to the augmentation of the incomes of the hardworking clergy whose benefices were under £200 a year. Now, he believed, it would not be denied, that in the Irish branch of the Established Church there was a large body of meritorious and faithful men, and the House, perhaps, will learn with surprise, that the incomes of nearly one-third of the beneficed clergy of Ireland were under £150, while there were a very great many under £100, and the surplus applicable under this provision had not been such as to raise many of the incomes to £100. The trust, therefore, in the Act, to which he had just referred, was, he need hardly say, received with great favour. Yet so great were the demands upon the Commissioners that, up to that moment, they had never in their hands a sufficient surplus to augment the livings which were under £100 a year. Parliament was asked, then, on the one hand, to apply this surplus to relieve certain persons, many of them wealthy Protestants, from the payment of a tax on their property which they had acquired with that charge upon it, and on the other to prefer the augmentation of the incomes of hard-working clergy whose incomes were under £100 a year—which would they choose? He did not then really believe there was an honourable man in that House who, if he were to lay aside political considerations, could put his hand to his heart and say that, consistently with the provisions of the Temporalities Act, it was fair thus to abolish the tax of ministers' money. His proposition was, that they had got no surplus to deal with until the requirements essential for the maintenance of the Church were first satisfied. That certainly was the spirit of the Act of Parliament. He did not stand there to defend an ecclesiastical abuse; on the contrary, he was as anxious as any one to make Church property more available for the growing wants of the times. But that should be done consistently with the principles of property. Now, after the Temporalities Act—which, however, was regarded at the time as a final settlement—came the Tithe Rent-charge Act, whereby 25 per cent of the tithe composition was given up, on the ground that it was better for the Church to take 75 per cent charged upon the superior proprietor. He himself was of opinion that that was a wise and beneficial settlement; at the same time, he could not agree in the notion that it implied a surrender of principle; it was simply an arrangement on the part of the Church as a fair settlement. When that was settled the only subject upon which a grievance could be got up was ministers' money, and accordingly an agitation was raised against that. To this tax there were two classes of objections; the general objection, which, if it were good, applied equally to the tithe rent-charge, and the objection arising out of the inequality of the assessments, the remedy by distress, and the unsatisfactory state of the valuations of property according to which it was raised. These latter objections were admitted by the friends of the Church, and it was on that ground that his hon. Friend and Colleague (Mr. Hamilton) moved for and obtained the Committee of 1848. That was under the Government of the noble Lord the Member for the City of London, and at a time when the hon. Baronet the Member for Canterbury (Sir William Somerville)—a useful, able, and honourable man, who always acted courteously, candidly, and frankly—was Irish Secretary. Unfortunately, he was embarrassed by representing Drogheda, one of the towns interested in this subject, and his seat being in jeopardy he felt himself in some embarrassment how to act, and determined to remain away from the Committee. The consequence was, that Committee was packed so as to leave the Protestants at the mercy of the Roman Catholics. Mr. Sheil was chairman, and ultimately a Report of a most singular character was carried by one vote. That Report was that, "having examined into the state of the Ecclesiastical Commission, the Committee was of opinion that the income of the Commissioners was adequate to their expenditure." That was to say they judged of the adequacy of their income by the expenditure before them—a rather curious mode of calculation, while what was insinuated was, that they spent quite enough, and that therefore any sum that accrued beyond their actual expenditure might be applied to other purposes. There was in the original draught of the report a passage stating, that if the funds never increased, the Church would suffer no injury, but that was finally omitted. The evidence upon which the report, such as it was, was founded, was this. The Chairman asked one of the Commissioners if their income was adequate to their expenditure, and the reply was—"We regulate our expenditure by our income." The other Commissioner had, in most graphic terms, stated the deficient state of the funds, the inability to meet necessary demands, the imperfect nature of the repairs done in churches, and subsequent experience had verified the correctness of his statement. The hon. Member for Cork (Mr. Fagan) thought himself fortified by this Report, and on the 27th of March 1848, he proposed a Motion for the abolition of ministers' money. That Motion was opposed by the right hon. Baronet opposite (Sir G. Grey), who was then Home Secretary, and who, after referring to what he justly termed the very peculiar language of the Report, said—

> "If it afterwards appeared that the Ecclesiastical Commissioners had ample funds in their hands for the accomplishment of the objects for which they were appointed, and that any surplus remained, then it might be fit and right to apply that surplus, and substitute it for ministers' money."

That was in the spirit of the noble Lord's (Lord John Russell's) famous appropriation Resolution, which was much exceeded by this Bill, for the spirit of that Resolution was, that when all the demands of the Church should be satisfied, then the surplus should be applied to educational purposes. If any one could find that surplus, he (Mr. Napier) should be very much obliged to him, because it would imply first the supply of all the spiritual demands. The Motion of the hon. Member for Cork was lost, and among the majority were the noble Lord opposite (Lord John Russell) and the right hon. Baronet the Member

for Canterbury (Sir W. Somerville). In 1850 the hon. Member repeated his Motion with a similar result. In 1851 the noble Lord (Lord John Russell) began to consider whether something might not be done; a Bill was set going, but the Government of the noble Lord came to a termination, and that measure was not brought forward. In 1852, when Lord Derby was in office, the hon. Member again brought forward his Motion, having, however, changed his plan, for he said, he did not wish the Commissioners to postpone any of their trusts, and suggested that property might be made available by the sale of perpetuities, which plainly showed that the hon. Gentleman did not contemplate the abolition of ministers' money as long as there were not sufficient funds to satisfy the trusts of the Ecclesiastical Commissioners. Well, there was no suggestion on the part of the Government that the funds were sufficient; but, on the contrary, his right hon. Friend the Member for the University of Cambridge (Mr. Walpole), then Secretary for the Home Department, opposed the Motion, and stated that the Government had it in contemplation to introduce a measure to remove the inequalities in the assessment of this charge. The Motion of the hon. Member for Cork was again rejected. Then, when Lord Aberdeen came into office, Sir J. Young, who was well versed in Irish statistics, applied himself to the subject, and framed a Bill which certainly conferred a great boon on certain portions of the community. He exempted houses under £10, and for the valuation under the Act of Charles II. he substituted the Poor Law valuation, and he also exempted future houses, in order not to discourage improvements. And who was the Home Secretary at the time that Bill was introduced? Why, the noble Lord the Member for Tiverton—it was the noble Lord who, as Home Secretary, had peculiarly the charge of the Bill. The Bill was also supported by the right hon. Gentleman (Sir G. Grey), by the noble Lord the Member for the City of London, by his right hon. Friend the Member for Leeds (Mr. Baines), by the present Attorney General, and by the right hon. Baronet the Member for Marylebone (Sir B. Hall). That Bill was carried by a majority of 203 to 97, and it was undoubtedly a very great boon, for it cleared away all objections of the second class, and left nothing but the naked abstract objection founded on the difference of religious creeds. At that time the argument was advanced, that by relieving small occupiers the principle of ministers' money itself was abandoned; but that argument had been most clearly refuted by the noble Lord at the head of the Government. Well, but how was it that that Act had not been carried out? He would tell them presently. Now, he wished here to pause, and ask what was the meaning of that clause in the Roman Catholic oath—"I will defend to the utmost of my power the settlement of property?" They had it on the authority of the late Sir Robert Peel, that that clause specifically pointed to the declaration of Charles II., by which it appeared that ministers' money was to be made a charge with the special intention of encouraging a Protestant settlement in corporate towns in Ireland; for it was perfectly plain, as was afterwards shown in the time of James II., that if the religious objection were to prevail, the arrangement might be upset at any time. He was willing to admit that the amount involved in the tax was small, but the principle was a large one; and if the religious objection were once allowed, the principle on which the property of the Established Church rested would be shaken to its very foundation. If Sir John Young had continued in office, they would not have heard one word of the present Bill. Well, then, in 1855 the hon. Gentleman brought in a Bill to repeal the Act of Sir John Young, an Act which was also endorsed with the name of the noble Lord now at the head of the Government. Well, it was expected, after the support which that measure had received from the Members of the Government, that the proposal would have at once encountered the opposition of Ministers, especially that of the noble Lord at the head of the Government. In place of that, when he (Mr. Napier) rose to oppose the hon. Gentleman, he was quietly put aside by the noble Lord—of course with his usual *bonhomie*—and the Bill was introduced. The second reading was fixed for after Easter. But what had occurred in the meanwhile? Why, the right hon. Gentleman the Secretary for Ireland went to that country, and there a deputation was received by him upon this subject. Let the House observe that the collection of this money was placed upon the same footing as other rates levied upon property, and then let them also observe who were the persons who complained of the rate. Why, they were not the persons upon whom it was levied, but those upon whom the collection of it was thrown. Now, what was the state of the case? A law had been passed requiring certain persons to collect a certain impost, and yet those persons waited upon the Secretary for Ireland, and were most courteously received by him, in order, as it appeared, to announce to him their determination not to obey the law, and their refusal to collect the tax. On the very face of the Act it was stated that the persons who were charged with the collection of this rate should, if they came into default, be looked upon as debtors to the Crown. Notwithstanding that such was the case, the right hon. Gentleman, instead of saying to the deputation, the law is so and so, you are bound to obey the law, informed them that their remonstrances should receive the best consideration. Of course, therefore, the corporations, seeing that they had got hold of a pliable Government, saw the advantage of pressing it; and in the end the right hon. Gentleman promised to put himself in communication with the Law Officers of the Crown. The course of the Government was condemned by the noble Lord the Member for the City of London, who told them to take a decided course one way or another, and that he would support them. Indeed to make the law depend upon the conduct of the corporations was the strangest thing in the world. Well, the Government took proceedings, and they got judgment against the corporations. A writ of error was threatened, and the Government, disappointed at their own success, were brought to a stand-still. The Bill of the hon. Member then came forward for the second reading, and was thrown out; in the subsequent year it was again introduced, and the right hon. Gentleman declined to offer any opinion on the first reading; but at the second reading, on the eve of the elections, he made one of the most extraordinary statements he (Mr. Napier) had ever heard from a person holding an official position. After adverting to the Committee of 1848 he stated—

"There were many Protestants in Dublin who had no objection to paying ministers' money, and therefore it was felt that the tax ought not to be redeemed altogether." [The right hon. Gentleman must have meant to say "abolished."] "That proposal met with a great deal of consideration at the hands of the Government, and he confessed he regarded it with favour himself, the more especially as the great bulk of the tax was levied in Dublin, where those hospitals were. But it raised a question with which the House was familiar, namely, the appropriation question, that was to say, whether they ought to take away the funds of the Established Church and apply them to other purposes. Now, it was quite evident that this last plan could never be carried into effect without the concurrence of Gentlemen on the opposite side of the House, and with that concurrence he was afraid it would never meet."

The proposition to which the right hon. Gentleman alluded was, in fact, to apply the tax levied in Dublin to the maintenance of the hospitals, and thus to save a sum of £10,000 per annum to the consolidated fund. That was in his (Mr. Napier's) opinion, a course which involved not truly an appropriation—but he might say—a confication of the funds in question. The right hon. Gentleman, however, had thought fit, upon the occasion to which he was referring, to endeavour to make out that the Ecclesiastical Commissioners possessed a fund ultra the purposes of their trusts, which ought to be disposed of in the manner he had described. That was a proposition, however, which he (Mr. Napier) was prepared most emphatically to deny. The right hon. Gentleman in support of his view of the case had made statements which clearly showed that he had confounded the sale of perpetuities and other items which formed part of the permanent income of the Commissioners, with their annual receipts. He had endeavoured to prove that they possessed a surplus fund which ought to be applied to a particular purpose; but the Returns for the three years, after the passing of the Act of Sir J. Young made it perfectly evident that no such surplus existed. The first of these returns was that which contained the Report of the Ecclesiastical Commissioners for the year ending the 1st of August, 1854. In that Report the Commissioners had made the following statement to Earl St. Germans, then Lord Lieutenant of Ireland:—

> "We have much satisfaction in bringing these particulars as to the assistance afforded by private contributions under the notice of your Excellency, as by this means much has been accomplished in the extension of church accommodation, and in providing for the pressing wants which otherwise must have been to a great degree postponed had the Commissioners been altogether dependent upon their own resources. And we beg to observe that the Commissioners fail not on every opportunity to represent the urgent necessity of their being liberally aided from private sources, in their endeavours to meet the numerous demands upon them, the funds at present at their disposal being wholly insufficient for the several purposes to which they are applicable."

The next Report was that for 1855, in which the Commissioners, after having referred to the expenditure which they deemed to be necessary for the repair of many of the rural churches, went on to say:—

> "These cases have been consequently added to the list of churches requiring to be rebuilt; and we regret to state that several of the objects contained in these lists must necessarily be postponed for some time, the funds available in each year for such purposes, after providing for other charges of a fixed nature, being insufficient to carry on very many of the buildings reported to be necessary, leaving other trusts created by the Church Temporalities Acts—such as the building of glebe-houses, the purchase of glebes, wholly unprovided for, as also the augmentation of small benefices, except to a very limited extent. The Commissioners, however, supply the usual requisites for the celebration of Divine service in such licensed places of worship as have from time to time been brought under their notice, of which sixteen have been added to their list this year."

The most remarkable, however, of these Reports was that relating to the year 1856, which was signed by the Lord Chancellor of Ireland, and he would, with the permission of the House, read from it an extract, which was as follows:—

> "A larger amount from private subscriptions might have been received had the Commissioners been able to afford the assistance required from them in several other cases; but the fund under their administration being insufficient for the several purposes to which it is applicable, they were obliged to require, under their existing regulations, a larger amount of subscription than the respective parties were prepared to give; and we have to state to your Excellency that in their endeavours to provide for the most urgent demands on their funds the Commissioners have for the present been obliged to refuse, unconditionally, many applications from the clergy and others, which, under different circumstances, it would have been very proper to have complied with. The difficulties with which they have had to contend in this respect, and the dissatisfaction occasioned by their refusing to comply with many reasonable demands, are likely to be much increased during the ensuing year, owing to a considerable defalcation in their funds, from the non-receipt of a large portion of the moneys which, pursuant to the provisions of the Act 17 *Vict.*, cap. 11, should have been levied by the collector-general of rates in the city of Dublin and the respective boards of guardians and other bodies for the payment of ministers' money."

Now, he would ask the right hon. Gentleman whether he was prepared to contradict the statement of the Lord Chancellor of Ireland, whose signature, as an *ex officio* Commissioner, was attached to that Report? And yet the right hon. Gentleman said that the Ecclesiastical Commission had an income of £146,000, and a surplus which they could easily appropriate to the payment of ministers' money. The right hon. Gentleman had adverted in his speech of the 18th of March to a letter which had been addressed by Lord Carlisle to the Archbishop of Dublin on the 13th of February, but to the answer which had been given to that letter no reference had been made. The letter in question he (Mr. Napier) might state had been written with the view of obtaining the co-operation of the Ecclesiastical Commissioners with the Government for the purpose of procuring a Committee to ascertain, whether the working of the Commission might not be less expensively carried out. To that proposal the Commissioners in their reply of the 15th of February were perfectly ready to assent, but, at the same time, reiterated their former statement as to the inadequacy of their funds. In what, then, did the charge of the right hon. Gentleman consist? The Commissioners stated that their income was not sufficient to meet the pressing claims which were imposed upon them under the Church Temporalities Acts. If the right hon. Gentleman did not believe that statement to be correct, what would have been the proper course for him to have pursued? Why, clearly, instead of committing the Government to this Bill, on the eve of the elections, to have instituted an examination into their accounts, and to have obtained the best information upon the actual state of the question? Was any return obtained since the Parliament had assembled? And was the most accurate information sought for by the Government before they pledged themselves to support the present Bill? The Commissioners were much aggrieved by the conduct of the Government. He asked for inquiry, and he was in a condition to prove beyond a doubt that so far from the Ecclesisastical Commissioners having a margin of income applicable to ministers' money, their funds were so deficient as to be unable to reach some of the most important trusts created by the Act. The revenue of the Commissioners from permanent sources amounted to £93,591 13*s.* 9*d.* The terminable income, including £11,577 ministers' money, to which the Commissioners were entitled, but which was not collected, was £17,362. The permanent outgoings, such as repairs of churches, &c., amounted to £98,056 8*s.* 7*d.* The average of grants during the last three years for new-churches were £9,464, and for the enlargement of churches, £3,636, leaving the purchase of glebes, building, &c., of glebe houses, and the augmentation of benefices without any means of supply. On many livings there were no residences, nor any means of obtaining glebe or glebe houses. All these trusts were unfulfilled. Well, he now asked what became of the available surplus out of the income of £146,000? It was gratifying to see the extension of church accommodation in Ireland, but the Commissioners were daily unable to avail themselves of offers for church extension, because they could not supplement private subscriptions by aid from their own funds. He was attached to the Church on principle, and he held that, consistently with freedom of conscience, everything ought to be done to make it an instrument of good for the spiritual welfare of the people. What did a member of his own profession, who opposed him at the late general election, and who was supported by the whole strength of the Government, say relative to this plan of abolishing ministers' money? He said that if he were elected he would oppose to the utmost of his power this measure for taking away, indirectly, a portion of the revenues of the Established Church, which could not be directly spoliated. An authority who ought to have great weight with Scottish Members—Dr. Chalmers—declared that he should hold it to be a false and ruinous step to alienate one farthing of the revenues of the Irish Church. He held in his hand a list of benefices of the poorer class, which would show the numbers of clergymen in the receipt of very small incomes, who, if there were a surplus, ought certainly to be first considered. He should be much indebted to the Government if they could make a surplus; and if they could do so by the more economical working of the Commission, or by making their resources more productive, he would heartily co-operate with them. But, while the trusts were unfulfilled which the Commissioners were appointed to carry out, he would not be a party to set them aside and hand this money over to persons so well able to pay it. When he remembered the speech of the noble Lord at the head of the Government, in answer to Mr. Miall, on the Irish Church, he did not believe he would join in an attack upon the property of that Church. What were the reasons given by Lord Castlereagh why Ireland should consent to the Union? He said—

> "One State, one Legislature, one Church; these are the leading features of the system; and, without identity with Great Britain in these three great points of connexion, we can never hope for any real and permanent security. The Church in particular, while we remain a separate country, will ever be liable to be impeached on local

grounds. When it shall once be completely incorporated with the Church of England, it will be placed on such a strong and natural foundation as to be above every apprehension and fear from adverse interest, and from all the fretting and irritating circumstances connected with our colonial situation. As soon as the Church Establishments of the two kingdoms shall be incorporated into one Church the Protestant will feel himself at once identified with the population and property of the empire, and the establishment will be placed on its natural basis."

Would the noble Lord (Viscount Palmerston) attack the property of the English branch of the Church? Would he consent to a diminution of its resources, however small? He was sure he would not. To carry out this proposal it would be necessary to have a fund at once to draw upon, and was the House prepared to cripple the Irish Church just when she was beginning to prosper? If the Government would deal with the Irish Church and administer its patronage as if it were the English Church, he would give them all the co-operation in his power. He wanted no sinecures or abuses; but when it was proposed to confiscate the property of the Irish Church, he appealed fearlessly and respectfully to the Parliament of Great Britain. When he brought forward his landlord and tenant measure the cry raised against him was that he was trenching upon the rights of property. And yet in this Bill they were confiscating the rights of property the most sacred. He could understand why persons who objected to every description of church endowment should support this measure, but that statesmen professing to be members of the united Church should vote for a measure of church confiscation like the present, was to him incomprehensible. He regretted that the noble Lord at the head of the Government had committed himself upon the question, and that it had thus been made a party question. The Bill involved a most important principle, and should not be treated as a mere Irish question. It was an Imperial question of great moment. He had endeavoured to submit it fairly and dispassionately to the House, and he hoped that before the debate terminated the House would see its way to the rejection of the Bill. The right hon. Gentleman concluded by moving that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

SIR GEORGE GREY: Sir, I wish to take an early opportunity of stating to the House the grounds on which the Government feel it their duty to support the second reading of this Bill; and I trust I shall be able to show that I am not taking a course inconsistent with what I have either said or done on this question on any former occasion. I would remind the House at the outset that much that has been stated relative to the Act of Charles II., by which this tax was originally created, has really no reference to the practical issue which we are now called upon to determine. That Act was repealed in 1854, when another Act was passed which only partially continued the tax, and provided that it should be levied in a very different manner from that which had previously prevailed. It may be right to consider the Act of Charles II. in connection with the circumstances which existed before 1854, and this brings me to what the right hon. and learned Gentleman said regarding the conduct of preceding Governments. If I understood him aright, he objects to this Bill on principle. He says this tax is a part of the property belonging to the Established Church; that this measure violates ecclesiastical property; and that its principle has been resisted by every Government,—by that of my noble Friend the Member for the City of London, by that of Lord Aberdeen, by that of Lord Derby, and also by the present Government. I altogether deny that proposition, and I hold it to be very ill-judged on the part of a friend of the Established Church in Ireland to rest the security of its property, and still more to rest its existence as an Established Church, upon such a miserable footing as the maintenance of this tax, of which it had become impossible for the Church to avail itself, and which had been subsequently modified in 1854. What were the circumstances of the case previous to 1854? Was the Church Establishment really in possession of a valuable property guaranteed by law, and did the complaints only come from those who refused to pay the tax? The fact, I believe, was that the complaints against the tax came more from the clergy, who had a legal right to receive it, but from whom it was practically withheld, than from those by whom it ought to have been paid. It is stated with great truth in the Report of the Committee, and supported by the evidence adduced before it, that—

"It is not an exaggeration to say that popular odium attaches to this tax; nor is it to those by whom it is paid that this antipathy is confined. This source of livelihood is an object of dislike to the clergy, by whom it is most painfully collected from the reluctant and the poor. Several clergymen have been examined in the course of this inquiry, all of whom concur in the expression of a strong desire on their own part and on the part of the clergy that some substitute for ministers' money may be provided."

The Report further stated that many clergymen had abandoned the attempt to collect their income in this form, because they felt that it would deprive them of all chance of influence as Christian pastors over those to whom they wished to minister, and that it would bring them into constant hostility with those with whom they desired to live in peace and amity. In this state of things the question forced itself upon the attention of this House; and what has been the course pursued with regard to it by successive Governments? The right hon. and learned Gentleman says that the Government of my noble Friend the Member for London opposed this measure on principle, as he opposed it himself to-night, and that on several occasions when it has fallen to my lot to address the House on the part of the Government, I also have resisted it on the same ground. What is the fact? In 1849 and 1850, subsequently to the Report of the Committee of 1847, when this measure was brought forward, I did not oppose the Motion of the hon. Member for Cork (Mr. Fagan) on the principle laid down by the right hon. and learned Gentleman—namely, that this tax was the property of the Established Church, and could not be alienated, and that the burden ought not to be transferred to the funds of the Ecclesiastical Commissioners. I did not even on the part of the Government of that day give a direct negative to the Motion. On the contrary, on both occasions, admitting the full force of the objections offered to this tax, both by those who were bound to pay it and those who were entitled to receive it, I met the Motion by moving "the previous question," stating distinctly that I did so with the Report of the Committee of this House before me, with which I, in the main, agreed. That Committee was unwilling to withdraw from the specific purposes to which they were then appropriated any portion of the funds of the Ecclesiastical Commissioners, and it recommended—in which recommendation I concurred—that when their sources of income had sufficiently augmented, of which there was an early probability, this tax should be abolished, and the support of the clergy legally entitled to receive it be henceforth thrown on the funds of the Commission. That, I think, is a sufficient answer to the assertion of the right hon. and learned Gentleman, that I then subscribed to the doctrines which he has advanced tonight. It is said the Report of the Committee was carried by the casting vote of the Chairman. That is not the fact. Two draught Reports were submitted to the Committee, the one by the Chairman, and the other by the right hon. and learned Member for the University of Dublin. Divisions afterwards took place regarding paragraphs in the Report, and in one instance, when eleven members were present, five voted one way, and five the other, and the Chairman gave a casting vote. But when the question to be decided was, which of the two Reports they should adopt, seven Members voted for the Chairman's Report, and only five for that of the right hon. and learned Member for Dublin University. This shows that the majority of the Committee was in favour of the recommendations subsequently reported to the House. The existing evils were unanimously admitted in the Committee; the tax was allowed to be onerous, odious, and impossible to be collected, inasmuch as it was levied in small sums from the occupiers of houses, who were mostly Roman Catholics, for the support of Protestant ministers. It was also generally agreed that the clergy ought not to suffer prejudice from the abolition of the tax, but should receive an ample equivalent, and one that would relieve them from the embarrassing position of being the recipients of a nominal income, which they could not realize without endless delay, vexation, and expense. One other proposition was made to the Committee, and that by a clergyman who was examined before the Committee. It was, not that the tax must be maintained as sacred property which no unhallowed hand must touch, but that it should be abolished, and the sums necessary to replace it be supplied, from time to time, from the Consolidated Fund. That suggestion, however, was very properly rejected by the Committee, which then adopted the Resolution—that it was expedient the tax should be repealed, and its value paid to the clergy out of the funds of the Ecclesiastical Commissioners, as soon as the augmentation of those funds enabled the Commissioners, without sacrificing the objects to which their present income was devoted, to supply the requisite substitute. It is said that the funds of the Commissioners are insufficient to meet the purposes to which Parliament intended them to be applied ; and no doubt if those funds were to be multiplied tenfold, ample use could be found for them by zealous and active members of the Church, who might wish to build new churches, to enlarge old ones, and to increase the number of her ministers. The practical question, however, is not whether the time ever will arrive when all these objects shall have been exhausted, but whether the purposes contemplated by Parliament, when it placed these funds in the hands of the Commissioners, have been so far satisfied, that it is competent for them to apply part of their surplus to the maintenance of those curates and incumbents in cities and towns, who have had hitherto to struggle against the most inadequate incomes, owing to Parliament having assigned to them a resource of which they cannot practically avail themselves ? By this means the efficiency of the Church will be more effectually secured than if the Government were to go on involving itself in endless litigation in order to collect an odious and unpopular impost. Indeed, on the ground of expense alone, to say nothing of the other evils incident to the present system, it would be better to adopt the plan of paying the amount of the tax out of the Consolidated Fund, than to waste an equal or even greater sum in vexatious litigation. I must call the attention of the House to the real effect of the Act of 1854, because the right hon. and learned Gentleman has told us, that, if we sanction the principle of this Bill, we shall act in violation of the sacred duty imposed upon us to maintain the property of the Established Church. Now, what was the object of the Act of 1854 ? Under the Act of Charles II. the clergy were entitled to the proceeds of this tax, which was chargeable upon Houses. I won't now enter into a discussion with the right hon. and learned Gentleman as to whether it was the owner or the occupier of a house that was made liable to the tax, but I will grant, for the sake of argument, the position laid down by him. The clergy themselves were entrusted with the means of enforcing payment of the charge, and they appointed their churchwardens to collect it. They had the power of enforcing payment by distress, which is the most

effectual means of doing so. As I have already said, the collection became impossible. The clergy had merely a nominal income, and under these circumstances the Act of 1854 was passed. That Act received the approbation and support of the right hon. and learned Gentleman. And what did it do ? Its provisions were shortly these :—The Lord Lieutenant of Ireland was directed by it to ascertain, by persons to be named by him for that purpose, the gross amount payable in 1853, the year preceding, on all houses chargeable to the tax in Dublin and the seven other cities and towns in which the tax was leviable. Having done so, that payment was not to be absolutely continued, but, in the first place, the Ecclesiastical Commissioners for Ireland were directed to pay 75 per cent. of that amount thereafter to the incumbents of those parishes in which the tax might by law be collected, and to all others who derived their incomes from that source. There was a deduction of 25 per cent. from the gross amount, and the clergy were much better off with the 75 per cent. paid to them by the Ecclesiastical Commissioners than they were before the Act of 1854 was passed, because they, no doubt, lost far more than 25 per cent. in the collection of the tax. The right hon. and learned Gentleman says it is true that the Ecclesiastical Commissioners had to pay 75 per cent. of the tax, but they were to be recouped. But that is not the fact. One portion of the Bill had no connection with the other. This 75 per cent. of the actual amount ascertained to have been payable previously to the passing of the Act of 1854 was made an absolute charge upon the funds of the Ecclesiastical Commissioners. They were bound, without any reference to repayments, to pay the incumbents in question this 75 per cent. of the tax. I think that part of the Act was quite right, because it relieved the clergy from a position in which every one grieved to see them placed, and it, in fact, carried into effect the recommendation of the Committee of 1847. Having made this charge of 75 per cent upon the funds of the Ecclesiastical Commissioners, it directed the Lord Lieutenant to make a distinction between the houses rated no higher than £10 and those rated above that amount. With regard to the former class of houses, the tax was absolutely and for ever abolished. That was the proposition embodied in that

Act, approved by the right hon. and learned Gentleman, and sanctioned by Parliament. If, then, the House, with the approbation of the right hon. and learned Gentleman, exempted a certain class of property from a tax which he now says was made perpetually subject to it by the Act of Charles II., with what consistency can he contend that if we attempt to carry the principle of the Act of 1854 still further, we are sacrilegiously touching the property of the Church? How can a supporter of the Act of 1854 contend that the principle embodied in it will subvert the settlement of property in Ireland and annihilate the Established Church? The right hon. and learned Gentleman may tell us that the number of £10 houses subject to this tax was so small that they were not worth taking into account, and his support of the Act of 1854 was therefore no real violation of the principle for which he so earnestly contends this evening; but what said Sir John Young when he introduced that Act? He said it would be a very great boon to the inhabitants of those cities and towns in which the tax was leviable, because three-sevenths of the houses in Dublin would be relieved by his Bill; while in Cork 4 out of 5, in Clonmel 8 out of 9, in Drogheda 10 out of 11, in Kilkenny 10 out of 13, in Kinsale 6 out of 7, in Limerick 13 out of 14, and in Waterford 5 out of 9 houses would be exempted. If, then, it was competent for Parliament, without violating moral obligations, to pass the Bill of 1854, which interfered to so great an extent with the Act of Charles II., why is it less competent for the House now to give its sanction to the second reading of this Bill? But that was not all that was done by the Act of 1854. It enacted that in future the portion of the tax still leviable should be collected by the corporations of the different towns and cities subject to that tax. The payment, however, to the clergy was to be made by the Ecclesiastical Commissioners in the first instance; and the corporations, when they had collected the tax, were to hand over the amount to the paymaster of the civil service, who was finally to hand it over to the Ecclesiastical Commissioners. It was quite clear that the framers of the Act anticipated considerable difficulty in the collection of the tax, inasmuch as, if it were not collected, they provided that the amount should be considered as a debt due to the Crown, and power is given to the Lord Lieutenant to compel the corporations, by ordinary process of law, to collect it. And what was the result? The clergy, I believe, were entirely satisfied. I am not aware that any complaint whatever has been made in consequence of that Act. The Ecclesiastical Commissioners have no doubt had to pay the greater portion of this tax, and they have hitherto received very little of it back. I am not at all aware that the Established Church is more insecure in consequence of the Act of 1854. I believe that the payment of this sum to the clergy by the Ecclesiastical Commissioners has had quite as beneficial an effect as if it had been appropriated to the building of new or the repair of old churches. But the right hon. and learned Gentleman insinuated rather than openly avowed a belief that the Government had refused to enforce this law. I believe that that is an entire misapprehension. The Government, finding that this tax was not collected, and knowing the requirements imposed upon them by the Act, instructed the Law Officers of the Crown to commence proceedings to enforce payment. The power of distress, be it remembered, was taken by the law, so that you could not, even if you had the wish, issue a distress against the miserable occupants of these houses. The only remedy left was to file informations against the defaulting corporations in the Court of Exchequer. Informations were accordingly filed, but I believe that up to the present moment judgment has been obtained in only one case. Judgment has been obtained, but not one farthing of money has been obtained, because the counsel who conducted the case avowed that it should be carried by way of appeal to the Court of Error, and if the same decision as in the court below should be given there, that then it should be taken to the House of Lords. The Ecclesiastical Commissioners are still out of pocket, and if this Bill does not pass, we shall be involved in almost interminable legal proceedings, for the purpose of compelling these corporations (by process of law, and at the public expense) to make the collection and to hand it over to the Paymaster of the Civil Service, who has again to hand it over to the Ecclesiastical Commissioners. This unfortunate Act of 1854—unfortunate not as regards the clergy, but unfortunate as regards the machinery which it provided for the collection of the tax—has notoriously failed to effect its object; and yet it is to be retained for the sake of the principle which the right hon. and learned Gentleman (Mr. Napier) maintains is involved in this impost. A question has been raised as to whether the contingency I contemplated in 1849, when I moved the previous question as an Amendment on the Motion of the hon. Member for Cork—namely, an increase in the funds of the Ecclesiastical Commissioners, has taken place to the extent anticipated. I have only to say that it is difficult from the reports on the table of the House to arrive at the exact amount of income available in the hands of the Commissioners. The right hon. and learned Gentleman opposite called in question the statement made by my right hon. Friend (Mr. Horsman) on that subject; but I have no doubt he will be able to show from documents in his hands that he was fully borne out by facts in the information he then communicated to the House. Let me say, however, that it is admitted that the contingency which I contemplated in 1847, and which I referred to in 1849, has actually come to pass, that additional sources of income have arisen, and that the funds in the hands of the Ecclesiastical Commissioners have augmented to a much greater degree than is required to defray this £12,000 of ministers' money. I cannot go into particulars, but I believe the income derived from all sources by the Ecclesiastical Commissioner in 1847, was only £68,000, and that it now amounts, by the admission of the right hon. and learned Gentleman, to at least £93,000, thus leaving, after former claims are met, a large margin for the charge now under the consideration of the House. I do not say that this sum could not be beneficially employed in other ways; but I think the importance of the claim before us will hardly be denied. The question before the House is, whether we are to go on with the present discreditable state of the law, or to adopt a conclusion which it is most desirable for the sake of the public peace, should be arrived at without unnecessary delay? Are we by endeavouring to recover the whole amount from these corporations, to come into perpetual collision with those who are the guardians of the peace of those towns, and with whom it is desirable that the Government should act in concert for the good government of the country? I believe that the interests of the Established Church itself would be better promoted by a change of the existing system than by an adherence to a principle which it is found impossible to enforce. Let me upon this point read to the House an opinion addressed to the Committee of 1847 by the Dean of Limerick, now advanced to the Bishopric of Derry, and which, I think, reflects great credit upon him. He said—

> "Since I have come to Limerick I have given the subject the best consideration I could, and from observation and inquiry I have arrived at the conviction that there can be no transference of a liability from the occupying tenant to the landlord which can be attended with any beneficial results; it would still remain a fretting sore, and the more stringent its obligation was made on the landlord, by mixing it up with the payment of municipal taxes, the more inconvenient would it be felt. Besides, were it thought desirable to make this transference of liability, I do not see how the matter could be worked. In the old towns, like St. Mary's and St. John's, the derivative interests are so many and complicated as to render, in my opinion, legislation impossible. In truth, I know not where the burden can be placed, save and except where it ought to have been placed when the Church Temporality Act was passed,—namely, on the funds of the Ecclesiastical Commissioners; and on the same principle on which they make payments to curates and have augmented small livings, ought they to provide for the clergy whose misfortune it is to have their incomes, in whole or in part, dependent on ministers' money. But to this it may be replied that for many years you would cut off all the means of building new churches. My answer is simply this—that there is only a choice of evils, and that of the two it is by far the most important to provide for the proper maintenance of the clergy in such places as Dublin, Limerick, Waterford, &c. The whole amount of the property is comparatively small, and were the clergy to have a fixed stipend—say the amount of ministers' money as it now is, reduced by taking off one-fourth, as in the case of the commutation of tithes into rent-charge, I cannot but think that with the prospect of the falling-in of two bishoprics at no distant period, and the gradual augmentation taking place from suppressed livings, combined with economical arrangement, the difficulty might be met and obviated for ever."

The funds now in the hands of the Ecclesiastical Commissioners are sufficient for this purpose, and the only question is whether the House will sanction such an appropriation of them, or refuse it by rejecting the Bill of the hon. Member for Cork. The right hon. and learned Gentleman (Mr. Napier) alluded to the tithe rent-charge. It may be a plausible suggestion to make, that, as the tithe rent-charge has removed all those difficulties that existed in the collection of tithe, a similar course might be taken in the present case, but in the letter I have just read there is an unanswerable objection to the proposal of merely transferring the burden from one class to another. It is there shown how useless it would be in those towns to transfer the charge from the occupiers to the owners of property. That course would, no doubt, have been taken by previous Governments had it been practicable; but I am bound to say that I know not any practical suggestion that has been made, but that contained in the Bill before the House, that is likely to meet the difficulties of the case. For these reasons I shall give my hearty concurrence to the second reading of the Bill.

MR. WHITESIDE said he was somewhat surprised that the reasons given by the right hon. Baronet for supporting the Bill did not lead him to take the same course on former occasions. The hon. Member for Cork had made use of words which he would never forget, and the true meaning of which was perfectly understood by those who were familiar with the designs of the party to which he belonged. He said that "though the sum was small, yet this question carried a large principle with it." And then the right hon. Baronet came forward, and advanced the weakest and worst arguments which could be addressed to a thoughtful assembly on this subject. He said that the opponents of this measure had no principle to sustain them in maintaining this tax, because they had relieved poor occupiers who inhabited houses under £10 a year. Having conceded something, the Minister of the Crown argued, you must concede everything; because you have submitted to a loss of twenty-five per cent. for the sake of the poor, you must give up all that remains. In dealing with this subject, from a knowledge of the course taken by the noble Lord at the head of the Government and the Secretary to the Lord Lieutenant, the right hon. Baronet felt himself placed in a difficulty, glossed over the principal facts of the case, and came to a conclusion which he said was satisfactory to his conscience, but which he (Mr. Whiteside) thought ought not be satisfactory to the conscience of any right-minded man. The language used by the right hon. Gentleman the Secretary to the Lord Lieutenant was such as would raise the question of church rates in England, the question of the annuity-tax in Scotland, and the whole question of the appropriation of the Church revenues, and he (Mr. Whiteside) quite concurred with the right hon. Gentleman's argument that that made this question one of great importance. All these questions might be raised on the ground of expediency, which was a plausible mode of argument at the present day, but he believed nothing to be expedient that was not just. He opposed this Bill because it was not just, and if it was not just he defied any man to prove that it was expedient. The hon. Gentleman who brought forward this question on a former occasion (Mr. Fagan) told them that James II., amid all his cares and troubles, found time to repeal this Act. When he heard him use these words he began to reflect on what were his cares and troubles. His cares were to confiscate and extirpate and subdue whatever there was of Protestantism in Ireland, and upon the ruins of civil and religious liberty to build up such a system of tyranny as was suited to his implacable nature; and his troubles were brought upon him by the opposition he received from those whom he endeavoured to coerce; by the struggles of the fathers of those he (Mr. Whiteside) now represented, and by their efforts to carry out the very principles which he was maintaining in that House. No doubt the tax was originally established, as was shown by the Act of Settlement and the 14th & 15th, 16th & 17th of Charles II., for the express purpose of establishing the Protestant interest in these towns. The hon. Gentleman asked why the tax was not imposed on Enniskillen, for instance. For this simple reason, that the Protestant interest had been then established there already, and well was it for Ireland and England that it was so. Charles II. was advised that it would be impossible to accomplish that object without imposing a tax on the property in those towns, in order that the settlers might have the word of God preached to them in their own language. It was good advice, and he acted upon it though he did not believe in it; not that that was at all an unusual thing in him, for he seldom believed in anything he said or did. There was no injustice done to the Roman Catholics in the corporate towns in imposing the tax. The historian Leland gave this account of the transaction:—

> "Innocent Papists, although they had taken lands in Connaught, were to be restored to their estates, and the persons thus removed to be re-

prised. If they sold their Connaught lands, they were to satisfy the purchasers. But as the modelling of corporations seemed essential to the security of Government, and, as it was a point determined that they should be formed entirely of English inhabitants, there was an exception inserted in this article. Those innocent Papists whose former estates lay within corporate towns, instead of being restored to their possession, were to be reprised in the neighbourhood, so that the corporations should be formed entirely of men friendly to the monarchy.

The property was essentially Protestant, the inhabitants were Protestant, and when Roman Catholics settled in those corporate towns they had to receive a licence, and the English Parliament quarrelled with the Irish Executive for granting these licences. The hon. Gentleman was right in saying that James II. reversed that Act. He did reverse it, just as he would have reversed any Act which gave any right or permitted the free exercise of his religion to any Protestant. He was surprised that the hon. Gentleman should have referred the House to such a precedent as that to justify his proposal. From that time there was nothing in the Statute Book to interfere with this impost. It was imposed by lawful authority, and for a good purpose, on the property of Protestants, and on that property it had continued to the present day. The persons for whose benefit it had been created had always performed the duties which were imposed on them with it. There was no breach of trust alleged, and the question now was why was the tax to be abolished? Was the abolition to be granted simply because it was asked for? If that were the case, then he could promise the House a regular Motion every year from the hon. Gentleman, asking for what remained of the church property in Ireland. He should not have made this observation had not the hon. Gentleman voted last year for Mr. Miall's Motion for the sale of the whole of the property of the Church of Ireland—a Motion which was a revolutionary Motion — a Motion which ought to have been made in the National Assembly. This Motion was a mere trifle compared to that, but the hon. Gentleman brought it forward as a small instalment, in order that he might afterwards work out that which might be collected to be his ultimate object from the words which he had used, that "though the sum at issue was small, the principle was a large one."

Mr. FAGAN: The hon. and learned Gentleman is quite mistaken in thinking that I voted for Mr. Miall's Motion. I purposely abstained from voting on that occasion.

Mr. WHITESIDE was glad to be told that he had been misled on this point, and willingly withdrew all he had said upon it. Certainly several hon. Gentlemen who acted with the hon. Member for Cork had voted for that Motion; but the objects of the two Motions were exactly the same. The hon. Gentleman argued that there was no principle involved in dealing with the Church property; and, having recapitulated with great minuteness all that had been taken already from the Church of Ireland, in the shape of tithes, church lands, and church rates, then asked what you have now to say why this portion of the income of the clergy also should not be taken away? He did not remember whether the noble Lord the Prime Minister was in Lord Grey's Government when the Temporalities Act was introduced; but the language of Lord Grey and of Lord Lansdowne (he took Lord Lansdowne because he seemed to be the most Conservative of them all) was very different from that which was used now. Lord Grey declared that he brought forward the measure in support of the working clergy, of the laborious members of the Church. He insisted that the measure would not trench on the real interests of the Church; that there would be an income of £20,000 for the increase of small glebes, and £50,000 for the increase of small livings, though neither of these objects had ever been fulfilled. Lord Lansdowne was more particular. He said—

> "He would beg of noble Lords to consider what would have been the result if, when the measure of the union of the two kingdoms was arranged, some such provisions as those of this Bill had been made? What would have been the situation of the clergy if the sum of £50,000 a year had at the time of the Union been set aside for the improvement of small livings; if £20,000 a year had been devoted to the building of churches, and £10,000 to the erection and improvement of houses for the inferior clergy? These were advantages which could not, of course, be expected to flow all at once from the Bill before the House, but they might be expected to result from it in the course of some time, and when they did occur would they not be of the greatest advantage to Ireland?"

These were the feelings which prompted the Government in introducing that measure, and Parliament, while it consented to the proposals made in that Act, refused to touch ministers' money. There was not one Roman Catholic Gentleman in the House at that time who asked for the abolition of the ministers' money. Neither Mr. O'Connell nor Mr. Sheil did so, their policy being to take all that was offered, and then grumble and ask for what more they could get on the next favourable opportunity. That was called a permanent settlement, and one of its effects was to make the fortunes of many Roman Catholic gentlemen. They hit upon the plan of taking all the church lands they could get in perpetuity, at a diocesan valuation, and in some cases they got lands at five or six years' purchase. If he were not mistaken, the right hon. Gentleman in the chair drew the attention of the House to this mode of spoliation, and afterwards the real value of the lands was required to be paid for such lands as were in future converted from leaseholds into perpetuities, and thus this mode of spoliating the Church was checked. As long, however, as they could have got church lands for next to nothing, they would have extended to ministers' money the courtesy of Polyphemus, and have devoured it last. At a subsequent period this question of ministers' money was agitated. It was examined into by a Committee of that House, the Report of which the House was now asked to affirm. It was most amusing to read the extraordinary law of property which was laid down in that Report. Nowhere was there more clearly displayed the strange affinity between men's pockets and their consciences. In fact, Swift's saying appeared to be true, that a conscience was of no use unless it stretched with the occasion. The moment a man was called on to put his hand into his pocket and pay a tax of this sort he discovered, to use Mr. Sheil's language, that "his paramount objection to ministers' money is one of a religious character." This was very strikingly exemplified in the evidence of one of the witnesses, a Mr. O'Flynn, whose opinions and views with respect to the nature of property were well worthy of being recalled to the attention of the House. He was asked by the right hon. Member for the University of Dublin whether it was against the conscience of a Roman Catholic to pay a charge created in favour of a Protestant clergyman, although the property might have been acquired with that charge upon it, and answered, "Yes, certainly; under whatever form you put it I should consider it objectionable." That was a bold and manly answer, and included all descriptions of property which happened to be held by a Roman Catholic. He was next asked whether a Protestant could create a charge upon property in favour of a Protestant clergyman which would be recognized by a Roman Catholic when that property came into his hands? and his answer was, "he could not—a Roman Catholic could not pay it." That might be very good theology, but it was contrary to common honesty.

"Although he should have taken the property subject to it?—Yes."

This was laid before a Committee of grave men who were obliged to listen to Mr. O'Flynn propounding the views of his friends on church property.

"And do you consider that a conscientious principle?—I do."

"Suppose you were to take a house and then to pay ministers' money, but that you were entitled to deduct it out of the rent, would you still object to pay it?—I would.

"Although you were entitled to deduct it out of the rent?—I would.

"Suppose you were a Roman Catholic banker, and got money from a Protestant, would you object to honour his check?—No.

"How do you draw a distinction?—That is not my own money.

"Suppose your landlord is a Protestant, and you take a house from him at so much rent, and afterwards pay ministers' money, and save the property from distress thereby, being by law entitled to deduct the amount from the rent, you would still object to pay?—I would not have the same objection if I could deduct the amount from the sum paid to my landlord, supposing him to be a Protestant."

This was a clear and scientific exposition of the principles of political economy.

"Would you have any objection?—I would have a little objection.

"Why?—Because I conceive that there should be no compulsion at all on religious matters.

"You would pay because it is a charge on property?—It would not come out of my pocket.

"If it be a charge against the rent there would be no reasonable objection to it?—Yes; the landlord might be a Roman Catholic.

"Suppose the landlord to be a Protestant?—I would pay it, but still I would object.

"Why?—Because I think clergymen should not be supported by any compulsory tax." [Cheers.]

He understood that cheer. He understood the argument of those who were in favour of the voluntary principle, and he respected, while he differed from them; but those who supported that principle in this country would, if they promised to pay a man a certain sum of money, keep their engagement.

"If it were a charge made by a Protestant on his own property you would have no objection to pay it?—No.

"Then, the conscientious objection would be entirely removed if the charge was put by Protestants upon Protestant proprietors?—I would not consider that to be objectionable."

That was precisely the case with respect to this tax. It was imposed by a Protestant Parliament and a Protestant King upon Protestant owners and upon the property of corporations of which Roman Catholics could not at that time be members. The hon. Gentleman proceeded with his Bill and met with various fortunes. At last the noble Lord at the head of the Government undertook the settlement of the question. This part of the subject concerned the noble Lord. It concerned his consistency and his conduct as a Minister of the Crown, and he should be glad to hear how the noble Lord would justify himself. It could not be glossed over in the easy manner in which the right hon. Baronet (Sir G. Grey) had settled the appropriation principle involved in this measure. It was true an agitation was got up against ministers' money, but it was of a very modified kind, and was confined to certain towns in the south of Ireland. Until Her Majesty's Government encouraged the agitation the tax was nearly all paid in Dublin, and had been paid almost up to the present time. But it became necessary to deal with the subject, and the noble Lord (Lord Palmerston) then Secretary of State, Sir John Young, then Chief Secretary for Ireland, and the present Mr. Justice Keogh then Attorney General for Ireland, put their heads together and framed a Bill, which the same noble Lord, now that he was Prime Minister, called upon the House to assist him in destroying. In introducing that measure, which was seconded by the noble Lord, Sir John Young said that since the time of James II. no Minister had ventured to propose the abolition of this tax without providing a substitute for it; that the Minister he served (that was the noble Lord) could not act upon such a principle); that it involved the safety of the Church property, and the settlement of the Church Temporalities; that the Ministry (that was the noble Lord) felt all the considerations most forcibly, and consequently, while they removed every evil which had resulted from the practical operation of the Act, they were resolved to maintain its principle. Subsequently the argument took a religious turn. The hon. Member for Dungarvan (Mr. Maguire) argued that this tax was originally imposed not for the cure of the soul of a house, but for the cure of the soul of a man; and he, with great force and originality, insisted that it was a religious tax, and that the noble Lord, as a popular Minister and one willing to remove a grievance, ought to listen to this argument. The noble Lord (Lord Palmerston) then rose, and, although he said but a few words, it was impossible that the subject could have been better argued than it was by him. He said—

> "He would beg the hon. Gentleman and those who acted with him to consider what was involved in the principle they advocated—that no person of one religion should ever be called on to contribute to anything connected with another. He would beg the hon. Gentleman to recollect how his doctrine would apply to the allowances made to Roman Catholic chaplains for attending upon the soldiers of the army and the sailors of the navy, and also other matters in which Roman Catholic interests were concerned. This tax had nothing to do with any religious question. It was a tax upon property, and it would be perfectly preposterous to make the rate upon a house dependent upon the religion of its owner. Was the imposition or non-imposition of the tax to be regulated by the religion of the head or of the immediate landlord, or was it to depend upon the religion of the occupier? If they adopted any such principle as that of the proviso, they would be involved in endless absurdities. The tax was one upon property, to which every man knew he was liable when he purchased it, and had really nothing whatever to do with religious feeling."

Thus the objection taken by the hon. Member for Cork (Mr. Fagan) was, to use the language of the noble Lord, perfectly preposterous. That was, it was absurd, foolish, and contrary to reason and justice. Yet, the same noble Lord who made that speech could come to the present Parliament and, with the same equanimity of temper, with the same sincerity, with the same anxiety to convince, and with a majority at his back that made him more forcible than Demosthenes and more persuasive than Tully, would unsay every word of that speech, and persuade the House that the principles there advocated were utterly and entirely wrong. He would now insist that this was not a charge upon property, it was a charge upon persons, and that it was preposterous to call it a charge on property. He would turn the phrase the other way, and would turn it against those who then voted with him. He (Mr. Whiteside) on that occasion voted with the noble Lord, who had two or three times induced him to go into the same lobby with him, and he afterwards said to his friends that the noble Lord had acted upon a Conservative principle, and was himself much more Conservative than they had thought him to be. He (Mr. Whiteside) believed the noble Lord, because he knew that his argument was sound. He knew that this was a tax upon property.

Now, however, that the noble Lord had by a turn of fortune's wheel been elevated to the high position of prime Minister, he was, as soon as it suited his purpose, without a shadow of excuse, save to carry the elections, ready to sacrifice the property which, when Home Secretary, he pledged his reputation could not upon any principle of reason or justice be touched. Let not the House suppose that the bulk of the Roman Catholics objected to this tax. It was only the town represented by the hon. Member (Mr. Fagan) and one or two others which made any objection to it. Archdeacon Bell was for ten years in Waterford; during that time he was only three times involved in litigation upon this subject. His just rights were punctually paid by the correct and honourable men of that city, whom, had he (Mr. Whiteside) the power, he would first relieve from this payment, and not those of Cork. But, astonished as he was at the conduct of the noble Lord, he was much more astonished to hear the Home Secretary attacking the Bill framed by his own Government, and stating that no one could understand it, and it could not be carried into operation. These were the men to conduct the affairs of the nation. He thought that the principle involved in the Bill of Sir J. Young of exempting the £10 householders and reducing the amount by twenty-five per cent, was a just one, although perhaps it might be said that it was a reflection upon the class which in reality governed the country—and no doubt the £10 householders did govern the country, for did they not form the mass of the people, did they not elect the legislators?—to say that they could not pay this small impost. Was it wonderful, he would ask the House, that those who, like himself, were attached to the Established Church in Ireland should stand up for her property, when they found that no sooner was the question settled than it was sought by the very men who settled it, again to unsettle it. On a former occasion the hon. Member for Cork had proposed that the Commissioners should publish an annual Report, and that any surplus which might remain in their hands should be applied to the redemption of the tax. Now, to such a proposal he would be ready to assent, as he would be to any measure to remedy a proved practical grievance; but when the hon. Gentleman came forward, saying that he had a small Bill to carry, but a large principle to assert, he felt himself bound to stand up and endeavour to maintain that which had been guaranteed by the noble Lord at the head of the Government when he was Secretary for the Home Department. For his own part, he believed that the right hon. Gentleman the Secretary for Ireland had been the chief offender in this matter, and that he had brought the Government into a difficulty which they had not apprehended, unless, indeed, the noble Lord at the head of the Government was willing to adopt his views. On the 16th of April, 1856, the right hon. Gentleman made a speech upon the subject; and let the House remember how matters really stood. If the principle had been established that this charge should be abolished, Members from Scotland would naturally have said, "Abolish the annuity tax also." Some English Members would, with equal justice, have called for the abolition of church rates, while others might have asked for a general appropriation of church property for secular purposes. Such being the case, the right hon. Gentleman said,—

> "Now, the question relating to ministers' money in Ireland was not, as at first sight it appeared to be, a local or an isolated question; it involved subjects of imperial interest. It had been stated that the tax of ministers' money did not depend upon persons, but upon property, and that it was the possession of property, and that alone, which rendered persons liable to the tax. Now, putting the matter upon that footing, it became one of a class of questions with which that House was familiar. In England there were the church rates, and in Scotland the annuity tax, both of which were defended upon the same ground."

He then refers to the defeat of Government through public opinion acting on its representations on the church rate question. He then refers to riots in Edinburgh which he ascribes to the attempt to maintain the annuity tax, adding—

> "That was a question precisely analogous to the present."

Again, as to the resistance to church rates and ministers' money, he says—

> "The principle of the two complaints were precisely the same; namely, that the professors of one religion were compelled to support the professors of another. But in Edinburgh the annuity tax was not an old tax, and it applied exclusively to ministers of the Established Church in Scotland. The two cases were, however, precisely analogous in principle."

The right hon. Gentleman, therefore, had placed the annuity tax in Scotland and church rates in England on the same footing with ministers' money in Ireland; that was, that they were all of them charges upon property. The House, therefore, could, from the words of the right hon. Gentleman himself, form some appreciation of the magnitude of the question which they were called upon to decide. The right hon. Gentleman then proceeded to narrate the results of his experience in Ireland, and he said—

> "With respect to every one of those municipal boards, they had met to record their determination not only to resist payment of the tax themselves, but not to allow others to pay it. When he was in Dublin a large deputation waited upon him, who stated in strong and decided terms, but in language respectful to the Government, that they would resist the payment of the tax to the uttermost. That was the communication which had been made to him, though, at the same time, it was not to be supposed that any Government would give up its duty. Although he had felt it to be his duty to make that statement, yet he must add that it would be the duty of Government to see that the tax was paid."

Was it possible that a gentleman holding such a position could listen complacently to a deputation which informed him that not only would they not obey the law themselves, but that they would also prevent other persons from doing so? What would be thought if a deputation were to wait upon the Chancellor of the Exchequer and tell him that they had resolved not to pay any more income tax and to prevent other persons doing so; and if he said to them—Well, gentlemen, you are very hard upon me, but I will take the matter into consideration? The simplicity of the right hon. Gentleman appeared to him most remarkable. If he had had much experience of the country he would have seen that that deputation was only trying what they could get out of him. He went on to say the language used by that deputation was courteous but decided; but that it would be the duty of Government to see the tax was paid. It was curious how before an election the opinions of a Minister underwent a change. What reply had he given to the deputation from the south of Ireland which had waited on him. At that time the right hon. Gentleman had magnanimously determined to support the law. He had said—

> "If the state of the law were not what it was, he should have shrunk from an annual contest of this kind, but now no alternative was left to the Government—they were bound to proceed firmly, manfully, and upon principle—they were compelled to carry out the law. The question had long engaged the attention of Government, and he had carefully endeavoured to ascertain by what means a legislative change might be made which might do justice and be satisfactory to all parties."

Now, the conclusion which he had drawn from that speech had been that the right hon. Gentleman intended to carry the law manfully and fairly into effect, or, if not, that he intended to propose a settlement of the matter satisfactory to all parties, and he could assure the right hon. Gentleman that if he had done so he would have supported him. Thus had the right hon. Gentleman expressed himself, but then came the general election. Upon the eve of that event the hon. Member for Cork (Mr. Fagan) and the hon. Member for Waterford (Mr. Meagher) had arranged a speech to the following effect—"We beg to inform the Minister that we represent towns that return a certain number of Members to Parliament. We influence the returns of ten Members for counties. You, the First Minister, have been often in difficulties. The votes of the Irish representatives have carried many a Government successfully through this House. Mark what we now tell you. You know how our support may be obtained. Abolish ministers' money and we shall see what we can do to help you out of your difficulties." The right hon. Gentleman the Secretary to the Lord Lieutenant had been found open to conviction. In his case a fair argument fairly put was always sure to tell. He at once adopted the Ministerial jargon and said the Government would take the subject under their consideration. So the right hon. Gentleman had taken it under his consideration, and he who had first set out with saying that he would enforce the law, and if not successful in that respect propose a fair and equitable adjustment of the tax, had at length begun to see the question in a new light, and, persuaded by the convincing logic such as that to which he (Mr. Whiteside) had just adverted, he came down and told the House that he had considered all the difficulties, and after taking a review of what Sir John Young had done, and the errors of his Bill, and noticing that the difficulties were increasing, he finally announced that he had come to the conclusion that the tax was of such a nature that he felt coerced to provide for its abolition. The right hon. Gentleman had, in fact, settled his reputation by his latest speech upon the question. He (Mr. Whiteside) could understand the case of a statesman taking a clear view of the matter, and arriving at the conclusion that he would abolish ministers' money, together with all the rest of the church property in Ireland—a course which, so far as the Protestants of that country were concerned, would do much to destroy their connection with this country. He was as strongly attached as any man to the connection between England and Ireland, yet if the Government were to adopt that course, and to overturn those institutions which Mr. Pitt, speaking the language of a gentleman and a British statesman, as well as Lord Castlereagh, had declared to be based upon fundamental principles, then would the Protestants of Ireland be at liberty to consider as to the course which they should take, and the House might rest assured that, although the Protestants of Ireland were ready to be the friends of this country, yet they would never consent to be her slaves. If they found that the clergy of their Church were, without due reason, treated with disrespect, then would the adamantine chain which bound them to England be severed. He had, however, been led away by these remarks from the speech of the right hon. Gentleman the Secretary for Ireland. That right hon. Gentleman had made a speech, the language of which he would prove did not demonstrate that to do away with ministers' money was a proceeding either equitable or expedient. The right hon. Gentleman had asserted that as the objections to the tax were chiefly of a conscientious character, it would be justifiable to collect it for the support of certain hospitals in Dublin, the more especially as the greater portion of the tax was levied upon the inhabitants of that city. It was not, however, quite clear upon what principle the funds of the Established Church could with justice be applied to a totally different purpose. The right hon. Gentleman, then, would appropriate the tax to what he considered useful ends, but if he could not appropriate it to such objects he would abolish it altogether. That, in his (Mr. Whiteside's) opinion, was a somewhat curious line of argument to adopt. He must say, it appeared to be robbing the Church in order to give to the doctor. He could not, however, understand how the right hon. Gentleman could justify the abolition of the tax. Unless, indeed, he were prepared to sanction the principle that when a Roman Catholic obtained possession of property under certain stipulations, he was at liberty to set up his conscientious scruples in derogation of those obligations which he had legally contracted. If the right hon. Gentleman were not prepared to sanction that proposition, then was there no force in the argument to which he had given expression. But to pass from the speech of the right hon. Gentleman, he must beg to remind the House that as agitation had formerly been very much fostered by the Government in Ireland, so at the present day much was effected in the conduct of her affairs by means of deputations. There was nothing like them for attaining a particular object. One might not effect much, but a series of them was irresistible; and, acting upon that principle, he supposed a deputation had waited upon Lord Carlisle on the 14th of April last. The House had seen that upon the eve of the general election the Government had changed their intentions upon the subject of ministers' money, and had subsequently announced it to be their determination to support a Bill which proposed its abolition. The immediate result of that determination had been, that the corporation of Dublin, which had never previously resisted the payment of the tax, had passed a resolution upon the subject which they had submitted to Lord Carlisle on the occasion to which he had just alluded. The Resolution was as follows:—

> "That taking into consideration that Her Majesty's Government have expressed their determination to introduce a Bill early next Session of Parliament to abolish ministers' money, and the Attorney General has discontinued legal proceedings against the corporations of Cork, Clonmel, and other cities, for the recovery of ministers' money, we are of opinion that Government ought to direct the Collector General to discontinue the collection of ministers' money in Dublin, pending the passing of the Bill."

The reply of the Lord Lieutenant was in these terms:—

> "I think Her Majesty's Government have assumed the responsibility of proposing a measure for the abolition of the impost called ministers' money to Parliament. What may be the result of their proposal I cannot take upon myself to anticipate. In the meanwhile I am not authorized by law to interfere with the liability of persons for the payment of the sums now due. I will consult with the law advisers of the Crown whether any steps should be taken for suspending the collection for a short period, till the decision of Parliament is ascertained."

Now, the words of the Act of Parliament were to the effect that the Lord Lieutenant should order all sums due under the provisions of the Act to be recovered and paid into the hands of the Ecclesiastical Commissioners, so that his Excellency was scarcely right in stating that "he was not authorized by law to interfere in the matter." Mr. Reynolds, who had been the spokesman of the deputation, who had long been a leading agitator on the subject of ministers' money, and who had been the Government candidate at the last election in opposition to his (Mr. Whiteside's) hon. Friends behind him (Mr. Grogan and Mr. Vance), had observed, in answer to the remarks of Lord Carlisle, "That that was all they could expect his Excellency to do," and had stated, that in the event of the Bill passing, the sum of £11,000, already paid to the Ecclesiastical Commissioners, ought to be returned to the ratepayers of Dublin. Such had been the progress of agitation. The speaker first sought that the law should be suspended, and, having obtained a compliance with his wish, then, with inimitable coolness, asked that the money, which had already been paid in accordance with legal obligations, should be refunded. It was all a mere pretence to say that the tax could not be recovered, particularly with respect to Dublin, where, notwithstanding the agitation against it, £9,900 had within the last two years been obtained from persons who were willing to pay it. Why, there would be agitation for ever in Ireland if the local Government always pursued such a course as it had done with reference to this subject. If the Government had pursued a straightforward manly course, this just demand would have been paid without demur. He had been appealed to relative to this law-suit in Cork, and what were the facts? The opinion of the hon. and learned Member for Cork (Mr. Deasy) had been taken, and his advice was, that the corporations of Cork had no defence against the payment of the money. They were prosecuted, and the case was decided in favour of the tax. There was, indeed, a bill of exceptions, but on a collateral point. The commission for valuation issued by the Lord Lieutenant was wrong. Instead of directing the two Commissioners to make a proper valuation, they took the Poor Law valuation, which includes warehouses, slaughter-houses, &c., whereas the tax is only imposed on dwelling-houses. That was a fair exception, for it showed that the valuation was not fair. But what had that to do with the collection of the tax upon a proper valuation? What security had Parliament that when it abolished ministers' money, as it had abolished church rates, tithes, and the ten Irish bishoprics, it would not be told, "Now that you have given up ministers' money, nothing remains but that you should give up the tithe composition." The facts stated before the Committee ought to tell upon any Ministry really attached to the Church of England. The Ecclesiastical Commissioners had stated the growth of the Church in Ireland, the need for the building of churches and the enlargement of glebes, and had certified that this money was necessary to enable them to execute the trusts that were thrown upon them, and he trusted that Parliament would not throw the burden upon the Ecclesiastical Commissioners of fulfilling these trusts, while it refused to give them the funds necessary for that purpose. The Commissioners had submitted a just and honest case. There had been no waste of the money intrusted to them, and if there were a surplus, the laborious parochial clergy would have the first claim. He put in no claim for the Irish bishops, but they were not overpaid. The Bishop of Cork had an income of £1,800, which was very small to meet the demands upon him. It was a sheer fiction to talk of the millions of property of the Irish Church. Their property is not equal to their wants, and the Lord Chancellor of Ireland had certified that the Commissioners had no money to meet these demands. The fact was, the Bill was introduced to meet the religious scruples of certain gentlemen who had incurred debts and did not wish to pay them. He trusted that the House would not yield to an objection without reason, justice, or necessity, and would not justify an attack upon church property, for which no excuse of a wise expediency could be pleaded.

MR. HORSMAN (who had lately resigned his office of Chief Secretary to the Lord Lieutenant) said, that he had listened with great pleasure, although with some surprise, to the speeches of the right hon. and learned Member for Dublin University (Mr. Napier) and the hon. and learned Member for Enniskillen (Mr. Whiteside); but, remembering that the eloquence of the latter was of so imaginative a character, and that the right hon. and learned Gentleman was a Member of a profession of which he was an ornament, and therefore a practised adept in its highest arts, he was not astonished that the eloquence of both wanted that foundation of truth and fact which was the basis of all true eloquence. When he listened to the accounts they had given of the early history of this Act and their statements of the proceedings of the Governments of the Earl of Aberdeen, the Earl of Derby, and of the noble Viscount, he could not help feeling that as historians they laboured under the defect of that shortness of memory which was so often the accompaniment of the highest genius. No doubt the question was one of great difficulty—he had never denied that to be the case; but he contended that the graver part of that difficulty arose from the course which had been pursued by the Government of which the right hon. and learned Gentleman (Mr. Napier), and the hon. and learned Member (Mr. Whiteside) were Members but which they had ignored. The last-named hon. and learned Gentleman had insinuated that upon a former occasion he (Mr. Horsman) had raised this into an imperial question, and had identified it with the church-rate question in England; but in making that charge the hon. Member had omitted to look at the speeches upon which it professed to be based. The fact was, that when replying on a former occasion to the speeches of the hon. Member for Cork and the hon. Member for Edinburgh, he told them that if they objected to ministers' money in Ireland and the annuity tax in Scotland on the ground that they ought not to be compelled to support a church of which they were not members, they made the questions about ministers' money and the annuity tax not local and isolated, but Imperial questions. The right hon. and learned Gentleman, however, very conveniently ignored that part of his speech. He (Mr. Horsman) had been careful to draw a distinction between the church-rate question in England and ministers' money in Ireland, but ministers' money in Ireland and the annuity tax in Scotland were precisely the same in principle. There was no doubt that church rate was as old as the Church itself. It was a part of the ecclesiastical property which had come down from early ages. But ministers' money in Ireland and the annuity tax in Scotland were the creations of a recent Act. He believed that they both owed their origin to Acts passed in the year 1665. They were certainly imposed in the same reign, and they had also this remarkable similarity, that, whereas church rate was applicable to the whole country, ministers' money was applicable to only eight towns and cities in Ireland, and the annuity tax only to the city of Edinburgh and the town of Montrose. The question, therefore, was not entirely new, nor was the assertion on the part of the Government of a new principle. Before the year 1833 there was a church rate in Ireland as well as in England, but in that year the Irish church rate was abolished, and a Commission was established to provide funds for the payment of that rate which had been applicable to the maintenance of the fabric of the Church. An effort was made at the same time to do the same thing for England, but it failed. Now he would put it to the House whether, supposing church rate in England had been abolished, and there were about eight towns, such as Birmingham, Manchester, Leeds, &c., in which local assessments were found to be made for the maintenance of the fabric of the Church and the support of clergymen, they would endure the existence of such exceptions to the supposed great measure by which church rate had been altogether abolished throughout the whole extent of the country. Why, then, should they act differently towards Ireland, in which notwithstanding the abolition of church rate, eight towns and cities were still virtually burdened with a church rate? The hon. and learned Gentleman opposite had given a description of the agitation which had taken place on the subject, and the mode in which it had acted on the present Government; and had stated that it was not of any importance until the present Government took it up. He had said that until the noble Lord now at the head of affairs had given countenance to the demands of the hon. Member for Cork he had stood no chance of success. But what were the facts? To his (Mr. Horsman's) knowledge this question had been agitated in Parliament for the last twenty years. He had seen every Ministry in succession oppose it. He had seen his hon. Friend the Member for Cork, year after year, gain upon the Government that opposed it; but he never did see it gain strength and standing in that House until the right hon. and learned Gentleman the Member for the University of Dublin and his learned Friend the Member for Enniskillen came forward as Members of Lord Derby's Government, and pledged themselves to propose a measure for its settlement. It was a most unfortunate event that during the Derby Administration legislation for Ireland was delivered into the hands of those two Gentlemen. They were the *gemini*, the twin constellation that were to guide the Administration of Lord Derby through all the difficulties of Irish legislation. And how did they commence? There were three prominent and difficult questions which they had to settle. These were the Land question, the Maynooth question, and the Ministers' Money question, and every one of these the right hon. and learned Gentleman (Mr. Napier) came forward to settle by throwing over all the principles and traditions of his party. Now, that was the first proceeding that gave a real Parliamentary importance to the agitation against ministers' money in Ireland. Upon the two other questions the House knew what were the propositions of the right hon. and learned Gentleman. They were propositions of the most extravagant description, and were acceptable only to the most extreme Members of an extreme and insignificant minority in Ireland which he (Mr. Horsman) believed had now died out. Although the hon. and learned Member for Enniskillen had that night severly criticized and wittily ridiculed the proceedings of the Government in reference to this question, he himself gave a public and solemn pledge, in 1853, that he would bring forward a measure to settle it, when he had no measure even shadowed forth in his own mind. But, as the brightest flower is ever the briefest, before there was an opportunity for the hon. and learned Gentleman to carry his measure the ministry of Lord Derby came to an end. [Mr. WHITESIDE: I never gave a pledge with reference to ministers' money in my life.] The hon. and learned Member for Enniskillen (Mr. Whiteside) and the right hon. and learned Gentleman the Member for the University (Mr. Napier) are so closely and apparently so happily united that they may be regarded as one flesh. Nor did he know that there had been any divorce between them. He had mistaken the former for the latter with reference to that solemn promise to settle this unhappy agitation about ministers' money. At that time he had not much acquaintance with the right hon. Gentleman (Mr. Napier), but he was intimately acquainted with the right hon. Gentleman then the Member for Midhurst (Mr. Walpole), who was Secretary for the Home Department in the Administration of Lord Derby, and he well remembered having crossed the House to ask his right hon. Friend whether he would give his support to the promised measure. His answer was in the affirmative, and as he felt convinced that he (Mr. Walpole) would not have made that answer unless the matter had been discussed in a Cabinet Council, the Derby Government manifestly intended to do the very thing contemplated by this Bill—namely, to put an end to the agitation about ministers' money. Why had they not given the Government the benefit of their deliberations, and assisted in bringing the question to a satisfactory conclusion? The hon. and learned Member for Enniskillen had just delivered a vehement speech against this Bill, but it was rather strange that a gentleman with such apparently strong feelings upon the subject should have actually become counsel to one of the defaulting corporations in their opposition to the collection of the tax. He had already been retained for the corporation of Cork, and he congratulated him upon the prospect of still further retainers from the other defaulting corporations; for there was every likelihood that his vigorous resistance to the tax on their behalf would enable him to die richer than Irish lawyers usually did. He would ask the right hon. Gentleman (Mr. Napier) whether he saw any mode of escaping from the difficulty he was now using all his ingenuity to entail upon the Government? Again, when Lord Aberdeen came into office the hon. and learned Gentleman misstated the facts. The truth was that when that Government came in, and the hon. Member for Cork again brought forward his Motion, his (Mr. Horsman's) predecessor in office, finding himself pressed and likely to be left in a minority, brought in a measure of his own to save the Government from a defeat, but such was the feeling that he was only saved from that result by a majority of fifteen on the introduction of the Bill. With regard to the Committee of 1848, the fact was that there were two counter propositions and two different reports. On one of these, Sir J. Young—not then a Member of the Government—voted with both the Members for the University of Dublin and with the Member for the city of Dublin; and having proposed a measure in accordance with his known opinions and former associations, he did, in order to escape the difficulties of the question by a compromise, unfortunately resort to the counsels of the right hon. and learned Member for the University of Dublin. He brought in a Bill modelled by the right hon. and learned Gentleman opposite—oh, he begged pardon of him, but it was all on record, for there was a draught Report proposed and voted for; and the names of those who had voted had been laid upon the table. He voted with the two Members of the University of Dublin, and the Member for the city of Dublin. The Bill so adopted by Sir J. Young, on the model of the right hon. Gentleman opposite, had really landed them in all the difficulties which they were in. When it was made a charge against the noble Lord at the head of the Government that he supported that Bill in 1854, and opposed that of the hon. Member for Cork, it should be remembered that his noble Friend was then acting with the Government in promoting a measure which had at least the appearance of settling the question, for no man could have foreseen the contradictions, and difficulties, and impossibilities of a Bill which was really a concoction of the ingenuity of the brain of the right hon. Gentleman the Member for the University of Dublin. Well, what was that Bill ? That Bill relieved all houses under £10 from payment of the impost, and this was believed to be a great boon, but it turned out to be nothing of the kind. It turned out that the parties who ought to have paid this tax were rated at 1*s.*, 1*s.* 6*d.*, and 2*s.* ; but the collection had become so difficult, and odious, and expensive, that the clergymen who then had to collect it, as might be expected of gentlemen, rather gave it up altogether than collect it under these circumstances. The act then failed as a relief to the parties who paid the tax. Then those who paid the tax were allowed to compound it for fourteen years' purchase. That also failed. Then the collection of the tax was to devolve on the corporations, and that failed more than anything. With regard to these corporations they were principally composed of dissenters from the Established Church, who themselves objected to pay the tax, and a very little common sense and foresight might have prognosticated the failure of such a provision. Indeed, the only provision which succeeded was that relating to the Ecclesiastical Commissioners. The right hon. Gentleman had accused him of negotiating with the representatives of municipal boroughs in Ireland upon this question. He had entered into no negotiations. Deputations from various corporations waited upon him, introduced by several Members of Parliament, and, as was his duty, he received them courteously. The interviews were short—the language of the deputations respectful. They stated their views regarding the ministers' money. They told him frankly that they objected to paying the tax themselves, and that they had still greater objection to compelling others to pay it. He told them that as the representative of the Irish Government, he had no power to enter into the merits of the tax, and no choice but to compel its collection, but that he would transmit their views to the Government, which he did by the next post. Now, the right hon. and learned Gentleman the Member for the University of Dublin had said a great deal about the statement in reference to the intentions of the Government on this tax being made on the day before the dissolution of the last Parliament, adding that it was obviously made at that time for electioneering purposes. He (Mr. Horsman) believed that the statement he made on the subject was, as the right hon. and learned Gentleman had said, made on the last day for the transaction of business which occurred prior to the dissolution, but it was a mere piece of claptrap to say that the one had the slightest reference to the other. It was a very simple fact, of which the right hon. Gentleman had certainly made the most. But it should be recollected that the right hon. Gentleman took care not to mention one other important fact, namely—that on the 20th of February he (Mr. Horsman) had promised to make that statement ; and that after he had given that promise circumstances occurred which were not anticipated, and which led to the dissolution. The promise given on the 20th of February was in answer to an appeal from the noble Lord the Member for the City of London (Lord John Russell), who said that the Government were bound to do one of two things—either to propose a satisfactory plan for the settlement of the question, or to abolish the tax altogether. He (Mr. Horsman) gave a pledge that Government would do one or the other of those two things ; and on the 20th of February, when nobody had any idea that dissolution would take place this year, he told the hon. Member for Cork (Mr. Fagan) that if he would fix the second reading of the Bill for a distant day, it would give the Government time to make up their minds on the subject, he could state the views of the Government on the subject, and consequently the second reading was fixed for the 28th of March. [Mr. NAPIER said he was not present at the second reading]. No, but the right hon. and learned Gentleman was present on the 20th of February, when he gave the promise to the House to answer the appeal of the noble Lord the Member for the City of London, and it seemed, he thought, to be pretty well understood what the decision of the Government would be. Several friends of his (Mr. Horsman's) said to him that it would be impossible to suggest any satisfactory settlement of the question. While several friends came to the conclusion that the Government would be obliged to propose the abolition of the tax, another said, "I don't think it was so understood by the Member for the University of Dublin, or he would have been more savage." After the 20th of February, and before the day fixed for the second reading, there came a vote which was not anticipated, and the dissolution was determined upon. And so it accidentally had occurred that he (Mr. Horsman) had to fulfil the pledge he had given to the House on a very late day, and out of that circumstance the hon. and learned Gentleman the Member for the University of Dublin had not failed to make great political capital. The right hon. and learned Gentleman had referred to a statement he (Mr. Horsman) made as to the funds of the Ecclesiastical Commissioners, and called it a gross misrepresentation. Well, it so happened that he spoke from the Report of the Ecclesiastical Commissioners, which Report had been printed and was in the hands of Members of that House; and he quoted at length that very paragraph which the right hon. and learned Gentleman had been at the trouble to quote against him to-night. The right hon. and learned gentleman accused him of making a gross misrepresentation as to the funds of the Commission. All he could say was, that he read what the Commissioners themselves stated as to their income, disbursements, and balance, and therefore the mistake, if any, rested with the Commissioners. The right hon. and learned Gentleman said that he had stated the income of the Commissioners in 1856 at too high a sum, because there was included in that year money arising from the sales of perpetuities and from private subscriptions. Well, he would show how much the right hon. and learned Gentleman was to be trusted when he dealt with figures. He (Mr. Horsman) made a comparison of the income of the Commissioners in 1848 with their income in 1856, and showed, according to their own statement, that, while their income in 1848 was £98,000, it was £150,000 in 1856. But the hon. and learned Gentleman accused him of gross exaggeration because there were sums in 1856 arising from the sale of perpetuities and from private subscriptions. Well, he

found that there were sales of perpetuities also in 1848; and that, while in 1856 the amount from the sale of perpetuities was £7,000, in 1848 it was no less than £9,000. The right hon. and learned Gentleman said that, while contemplating to bring this matter before the House, the Commissioners told him not to trouble himself about it, because he (Mr. Horsman) had promised to give an explanation, and the right hon. and learned Gentleman seemed to intimate that that pledge had been broken. He had that correspondence in his pocket. And from that it appeared that a letter was written by one of the most prominent members of the Ecclesiastical Commission, the Archbishop of Dublin, who read the statement made by him in the same manner as the right hon. and learned Gentleman, and that letter was forwarded to him (Mr. Horsman) by the Lord Lieutenant of Ireland. He instantly replied that he took the statement from the accounts of the Commissioners, and was satisfied that he was quite right, and his letter concluded with this paragraph:—"I quite subscribe to your Grace's opinion, that any correction of such a statement, calculated to convey a false impression, would best come from the party by whom that statement was made; and if your Grace will have the goodness to communicate to me the nature of the correction which is desirable to be made, I shall have much pleasure in giving it to the House of Commons on its reassembling, either in your Grace's language or my own." Having had no reply to that letter he assumed that his letter had been satisfactory, but the right hon. and learned Gentleman, having some friend who thought the quarrel a very pretty one—perhaps the hon. and learned Member for Enniskillen, who was the Sir Lucius O'Trigger of the bar—offered to bring the matter before the House of Commons, and he was then told by the Chief Commissioner that he need not trouble himself. The hon. and learned Gentleman said the noble Lord the First Minister had been misled by the Irish Government and by him (Mr. Horsman) on this question, but he seemed to be ignorant of the duties of the Chief Secretary to the Lord Lieutenant. He was an officer entirely subordinate to the Government; he submitted to them information and facts for their consideration, but as to the decision they came to, or as to any principle or policy they resolved to adopt, he was a mere cypher. The Government arrived at their decisions according to their own views, and upon their own responsibility, entirely irrespective of any opinions which the Chief Secretary might entertain. But he (Mr. Horsman) thought that the Government had taken a wise and politic course—one of which he more cordially approved than any other they could have followed. He had seen this question year by year growing in the House; he had seen the Liberal party more and more voting with his hon. Friend the Member for Cork, and the Government more and more dependent on the Opposition than upon their usual supporters, and he had been long enough in the House to know that, when you had a Government which depended for support on its opponents in resisting the fair, reasonable, and moderate demands of its own friends, the longer a course of that kind was persevered in the more false the position of that Government would be, and the earlier it extricated itself from such a position the more would that step redound to its credit, and add to the strength of its own party. He hoped his noble Friend (Viscount Palmerston) would persevere in the course he had laid down, being satisfied that the strength and security of his position depended not on the forbearance of his opponents, but on the cordial and unfailing support of his friends.

Mr. BLAKE, as the chief magistrate of one of the towns which was affected by the tax, could not avoid offering a few observations to the House, as he was anxious to correct a few inaccuracies that had crept into the debate. In the first place, he must refer to the description given by the hon. and learned Member for Enniskillen (Mr. Whiteside) of the interview of the corporations with the right hon. Gentleman opposite (Mr. Horsman). Now, he had often heard that hon. and learned Gentleman make the best of a bad brief, but on the present occasion he must say his facts were very badly briefed to him. So far, indeed, from the deputation meeting with the reception described by the hon. Gentleman, he would say—adopting the description of a poor countryman of his— "they only just met with the height of civility, and nothing more." In fact, it was observed by several members of the deputation, on leaving the chamber in which the interview had been held, what a change office had made in the right hon. Gentleman—how soon Radicals became converted into High Churchmen! At all events, the deputation took their leave with no other feeling than that of disappointment, and a determination to resist the collection of the tax by every means in their power. No one was better entitled than he was to speak out upon the question, for he had been the first to organize an opposition to the tax—an opposition which he was happy to say had proved most successful. The corporation of Waterford had determined that every stick and stone of the corporation should be sequestrated rather than that they should become collectors, and they most successfully persevered in their resistance. He had seen the greatest cruelties practised in the collection of the tax. Beds had been dragged away from families, and women's petticoats had even been taken for the payment of the impost. On one occasion, two of a rev. Gentleman's collectors were sentenced each to two years' imprisonment for the abominable cruelties they practised. In many cases the corporations had found it impossible to enforce the impost, the people invariably resisted it, and he trusted, therefore, that the House would remove it from the Statute Book. One day's bombardment of Sebastopol cost more than would pay the impost for a year. When Irish blood and sinew were wanted for the war the people heard nothing about ministers' money; but now, on the restoration of peace, writs were being issued in dozens by Her Majesty's Attorney General. He hoped that the House would put an end to an impost which was calculated, more than anything else he knew of, to engender the worst feelings amongst the Irish people.

Sir FREDERIC THESIGER said, when the right hon. Gentleman the late Secretary for Ireland rose, after the powerful speech of my hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), I anticipated, from his known ability, and his familiarity with the subject, that he would have encountered the arguments of my hon. and learned Friend, and that he would have addressed himself to the important question under consideration. But I am compelled to say that the right hon. Gentleman, feeling much more interested in matters which were personal to himself than in the grave question before us, disappointed expectation, and never, in the course of his speech, did he address himself, in the slightest degree, to the arguments of my hon. and learned Friend. As those arguments remained untouched, I ought, perhaps, to apologize to the House for rising, and, indeed, its impatience may be justified on the same ground. But I feel that, inasmuch as the debate, up to this time, has been confined to Members connected with Ireland, it has been made to assume a false and provincial character which is prejudicial to the satisfactory discussion of the question, for I quite agree with the right hon. Gentleman (Sir G. Grey), not in the speech which he made to-night, but in that which he delivered on a former occasion, when he declared that this is not a local and provincial question, but it is one of Imperial interest. And the right hon. Gentleman is mistaken in saying that he made that observation as applicable to the arguments which were addressed upon that occasion. The right hon. Gentleman stated that the question relative to ministers' money in Ireland was not, as at first sight it would appear to be, a local and isolated question, but that it involved considerations of imperial interest. Now, I think there cannot be a more fatal notion than for English Members to conceive they are not closely concerned with questions of this kind. By the Act of Union the churches of England and Ireland are inseparably bound together. They are united in one body, each being Members of the other, and we ought to feel that if one suffers the other suffers with it. Now, upon the present important question, I would warn hon. Members that it is quite impossible we can come to a determination to destroy church property in Ireland, which must be the effect of this proposal, without its bearing fruits that will ultimately drop upon the English branch of the Church. I call this a question of property, and not a religious question; because the noble Lord at the head of the Government, in the year 1854, distinctly gave that character to the proposal, and ridiculed the idea that the rights of property were to depend upon any change in religious opinions. The question itself has branched out in the course of discussion to a very considerable extent, though it appears to me to lie in a very narrow compass, and I will, if the House can indulge me, endeavour to lay the issue fairly and distinctly before it. Now, it is not denied that originally, at all events under the Act of Settlement, the 16 & 17 *Chas.* II., the property in this ministers' money was created. It was imposed as a tax upon the only persons who could then possess property in the corporate towns, upon the Protestant community, and it was imposed for the benefit of Protestant ministers. In the course of time, however, the property which was so taxed came into the possession of Roman Catholics. Now, can any one suppose for a moment that the rights of property were to fluctuate with the changes of religious opinions, and that the new state of things discharged property from the obligations which lay upon it? No idea of that kind appears at any time to have been entertained, because I beg the House to bear in mind that this agitation upon the subject of ministers' money is of very recent origin. I believe that it was not until the year 1842 that we ever heard any opposition to the payment of the tax. I have, I think, the assent of the hon. Member for Cork, who introduced the Bill, to that assertion. Well, now see what took place in the year 1833, the year in which the Temporalities Act passed, and which, I say, definitively settled this important question of property with respect to ministers' money. The Ecclesiastical Commissioners were appointed, and a fund was created by the suppression of ten sees, and by the taxation of livings above the value of £300 a year. The fund which was so entrusted to the Commissioners was to be saddled with certain obligations. And, first of all, in consequence of the abolition of the church cess, it was saddled with the repairs and rebuilding of churches and chapels, with a provision for the maintenance of Divine worship, with the payment of clerks and sextons; and then, if any surplus remained after discharging these duties, it was to be applied, in the first place, to the building of new churches, where one-fifth of the amount was provided by voluntary contributions; in the next place, to the purchase and building of glebe houses, while its third and most important duty was to contribute to the augmentation of poor livings under the value of £200 a year. Thus matters were settled by the Church Temporalities Act. The hon. Member for Cork says it was probably the intention of the Legislature at that time to abolish ministers' money, but that the point was overlooked, and through the technical language of an Act of Parliament the tax was made to endure. I think, however, with great submission, that the hon. Member is in error in that respect;

because in the following year, by the Act 4 & 5 *Wm.* IV., ministers' money was recognised as an existing tax upon property, and nobody from that time down to the year 1854 ever suggested that there had been an intention of getting rid of the tax altogether. It was treated as an obligation upon property; and, as I have said, the agitation for its removal did not commence until the year 1842. Now, it has been observed in the course of the argument, without being denied — on the contrary, the assertion has been confirmed by the right hon. Gentleman late Secretary for Ireland (Mr. Horsman) — that every Government, without exception, down to the year 1857, invariably refused to repeal the tax unless a substitute was first provided. The right hon. Gentleman the Secretary for the Home Department says, that following out the suggestions which were made in the Report of the Committee of 1848, he admitted it was desirable to get rid of the tax, and, therefore, instead of meeting the proposal of the hon. Member with a direct opposition, he moved "the previous question." It is perfectly true he did so upon two occasions, but it is equally true that upon both these occasions the grounds upon which the right hon. Gentleman opposite opposed the repeal of ministers' money was that it would be improper to do so unless a substitute was provided; and as none had been suggested, he felt it his duty not to support the Motion. Well, now the right hon. Gentleman has to-night made use of a most extraordinary argument, one which I could hardly have expected from him. He admits, as every one must, that the Act of Settlement of Charles II. establishes ministers' money as the indefeasible property of the Church. But, says the right hon. Gentleman, in the year 1854 the Act of Charles II. was repealed, and thus the question is put upon a totally different footing, and the right to ministers' money having been taken away by the Legislature, we are left now at liberty to deal with it as we wish. That is the most extraordinary view of the Act of 1854 which I ever heard of. The right hon. Gentleman the late Secretary for Ireland said that my right hon. and learned Friends, the Member for the University of Dublin, and the Member for Cambridge University, when he was a Member of Lord Derby's Government, had pledged that his Government would take this matter into their consideration, and would propose a settlement of the question, and I think that the right hon. Gentleman has rather taunted my right hon. and learned Friend with having supported the measure of the Government in 1852. Now, what did my right hon. and learned Friend then propose? With the knowledge that great objections were made to the tax, and that there were great inequalities in respect to it, my right hon. and learned Friend said he was quite ready to take the matter into his consideration, not for the purpose of abolishing the tax, but of removing the objections that had been raised to the mode of collection and the valuation, and, therefore, to render it more efficient for its purposes. In 1854 it was proposed by the Government, of which the noble Lord (Viscount Palmerston) was then Home Secretary, to introduce a Bill to effect the very objects intended by my right hon. and learned Friend. The right hon. Gentleman the present Secretary for the Home Department says that the Act of 1854 repealed the Act of Charles II. But was that the view then taken by the noble Lord at the head of the Government and Sir John Young? No; for the latter right hon. Gentleman stated that no Government, from the earliest period at which this question was agitated, had ventured to propose a repeal of the tax without a substitute; and the noble Lord, so far from supposing that the Act of 1854 was to operate as a repeal of the ministers' money, on that occasion argued that the question was one of property, that that was the ground upon which he was prepared to introduce his measure of 1854, and he ridiculed the idea of treating it as a religious question. There could scarcely be, in fact, a stronger recognition of the right to ministers' money than the Act of 1854, because by it measures were taken to remove all the objections to the tax, for the purpose of rendering it a permanent impost. But it did more; it removed any conscientious objections that could exist on the ground of this being an ecclesiastical tax, because it took away from the ministers, or from the ecclesiastical body, the power of collecting the tax, and it placed it in the hands of the corporations of the different towns. If the Ecclesiastical Commissioners were bound in 1854 to pay the tax to the ministers, no collection of it could be offensive to any religious feeling. What happened on that Act being passed? The tax, for a short time, was collected by the corporations. [An hon. MEMBER here expressed dissent.] Well, by the collectors general of rates. It appears by the speech of the hon. Member for Waterford that seven mayors had assembled together for the purpose of resisting the collection of the tax. That was a very remarkable state of things, because the objections did not proceed from the tax-payers themselves, but from those who had control over its collection. An agitation was therefore raised by persons in authority, although one would suppose that such persons should have had a little more respect for the law, which was obligatory to collect the rates and to pay them over to the Ecclesiastical Commissioners. The right hon. Gentleman the Secretary for the Home Department has not treated this question quite fairly, for he says that the Legislature had imposed on the trustees the necessity of paying ministers' money. That, no doubt, is true; but the right hon. Gentleman did not do the question justice by taking only a portion of the Act, for he should have stated that provision was made in the same Act for the collection of this money and the payment of it over again to the trustees. Those persons, however, it appeared, refused to collect it, and evinced their determination to resist the law. Well, in that case, what course ought to have been pursued by the Government? It seems that a deputation had waited upon the right hon. Gentleman the late Secretary for Ireland (Mr. Horsman) and intimated to him, in distinct terms, the determination of those parties not to obey the law themselves and not to permit any other persons to obey it. I think, however, that a little more vigour on the part of the right hon. Gentleman might have been exercised. The hon. Member for Waterford (Mr. Blake) said, that the deputation was received by the right hon. Gentleman with the greatest civility. Now, I should have thought that the right hon. Gentleman under the circumstances should have pursued a different tone with a party of gentlemen who waited on him to announce their intention of not allowing the law to be put in force. But after a little time it was intimated that the Government would proceed to enforce the law. The right hon. Gentleman opposite sneers at my hon. and learned Friend the Member for Enniskillen (Mr. Whiteside), because, in one part of these proceedings, he was retained as counsel by the inhabitants of the city of Waterford. The right hon. Gentleman expressed a hope that my hon. and learned Friend, from the number of fees which he then received, would die a rich man. Sir, I sincerely hope that he will live a rich man, and that he will, for a great many years confer a lustre upon society by the influence of his great abilities. It is scarcely possible to help observing, on the events which marked the course of this agitation. The right hon. Gentleman says that no Government, from the earliest period, would permit the repeal of the ministers' money. The noble Lord, however, thought it convenient, on the eve of the dissolution of Parliament, to signify for the first time his assent to the measure of the hon. Member for Cork, although, in 1854, he described such a Bill as one for interference with the rights of property, which he was determined to resist. The intimation given by the hon. Member for Cork, and another of the Irish Members, that ten of the Irish cities, with their surrounding counties, were greatly interested in the solution of this question, was not lost on the noble Lord, who soon afterwards stated that it was the intention of the Government to support this Bill. Well, let the Government take one of two courses—let them either arrange a mode by which a substitute can be raised, or let them take the bold course of at once abolishing the tax. The noble Lord has taken neither of these courses. He has not come forward to propose the abolition of this ministers' money as a question which it was necessary to settle; he has placed himself behind the hon. Member for Cork, and leaving this still the measure of that hon. Gentleman, has certainly shown neither much courage nor forwardness upon this subject. This seems to me a question of vital importance. It is quite impossible, if this principle be carried out, that it should not extend to other subjects in which we have an immediate interest. The hon. Member for Waterford says that this is a part, but not the entire, of what he expected. Many persons look upon the abolition of this tax as a measure that will be followed by the abolition of the Established Church in Ireland. The hon. Member for Cork says, that although the amount involved in this Bill is but trifling, there is a great principle at stake. I am alarmed to think that the passing of this measure establishes the principle that property is no longer to be held sacred and inviolable. The right hon. Gentleman the late Secretary for Ireland said, that there was a difference between this tax and church rates, for that the latter had existed from the earliest period, whereas the former had only been established about 200 years. Let us turn to another question likely to engross our attention in a few days—I mean the grant to the College of Maynooth. How will this argument affect the continuance of that grant? The Government supports that endowment on the ground that the faith of Parliament is pledged to it; but that grant has only an existence of sixty years. My hon. Friend the Member for North Warwickshire (Mr. Spooner) says from only the year 1845. I differ from him, on that point, and think that Parliament has been pledged for a period of sixty years. Well, if we are to be ruled by a Parliamentary principle, this ministers' money has an advantage over the Maynooth grant; but if the Government is disposed to give way on this important question, because it appears that the religious scruples of certain persons are offended by the exaction of this money, why should not the Government give way on the subject of Maynooth, when they know that many good and conscientious persons are offended at the money of the State being employed for such purposes? It is clear that you cannot forbear to carry out the principle of this abolition of ministers' money to church rates; and I cannot conceive, on the principle that this grant of ministers' money is to be repealed and abolished, how any description of property whatever can be safe. I shall therefore oppose the Motion for the second reading, on the ground that it endangers the security of all property whatever. I also feel that it is impossible not to anticipate the most serious consequences resulting from a recognition of this principle. I see nothing but danger and mischief arising from yielding to the measure of the hon. Gentleman, and I shall therefore feel it my bounden duty to support the Amendment.

MR. J. D. FITZGERALD said, that the hon. and learned Gentleman who had just resumed his seat had accused his right hon. Friend the Member for Stroud (Mr. Horsman) of having neglected his duty by casting overboard the question of principle involved in this discussion, and proceeding to a personal attack. He believed that it was the first duty of a Member of that House, to whom it had been imputed that he had misrepresented facts, to clear his character and let it stand fairly before the House; but he denied that his right hon. Friend had neglected the questions of principle. On the contrary, he had spoken to them fully and fairly. He (Mr. FitzGerald) would not follow the example of the right hon. and learned Member for the University of Dublin and the hon. and learned Member for Enniskillen and treat this as a sectarian question, or one between Roman Catholic and Protestant, and he hoped to show, before he sat down, that this Bill ought to pass on totally different grounds. God forbid that the House should decide the question upon the ground that the creditor was a Protestant and the debtor a Catholic, or that property belonging to Protestants, and charged with a tax for ecclesiastical purposes, should be discharged because it had come into the hands of Roman Catholics. Neither would he pause to do more than notice the allegation which had been made by hon. and learned Gentlemen opposite, he believed without historical foundation, that when the Act of Charles II. was passed, the property in these towns was in the hands of Protestant owners and occupiers. When Dr. Ellmes, the Protestant rector of Limerick, was asked by the Committee, "Are you aware that when this tax was originally created it was placed upon Protestant property?" he replied, "No; I do not believe that to be the fact, because at the time it was created, 17 & 18 *Chas.* II., almost all the occupiers and most of the owners of houses were Roman Catholics;" and it must indeed have surprised the hon. Members for Waterford, for Cork, and for Limerick to hear that in the year 1665 the proprietors of houses in those boroughs were exclusively Protestants. One of the reasons why he thought the question ought not to be determined on such grounds as these was, that his experience had shown him that this tax was equally vexatious to the Protestant clergyman and to the Protestant or Roman Catholic owner or occupier, and that it had been condemned by every one who was anxious to promote the advance of Christianity. On this ground it had been equally assailed by all these persons. One and all agreed in the opinion that when a substitute could be provided this tax ought to be abolished. For the purposes of religion, of Christianity, and of good will, the position of Protestant clergymen, who were obliged to obtain from the poorest of the poor the tax upon which they were to subsist was very unfortunate. If this impost were to cease, the greater part of the saving would go, not, as might be supposed from the speeches of right hon. Gentlemen opposite, into the pockets of Roman Catholic ratepayers, but into those of Protestant occupiers and proprietors of house property. The tax was condemned by the Committee of 1848 as an impost which led to most injurious animosity; all the rectors who were examined by that Committee agreed that the tax ought to be taken off; the only question was as to what was to be substituted for it, and the only substitute which could be suggested was a payment out of the funds of the Ecclesiastical Commission. He believed that the Government of Lord Derby were so convinced of the oppressive nature of the tax, that they were pressed to adopt measures to effect its abolition; and that it was only on account of their brief tenure of office that they had not done so. The hon. and learned Gentleman the Member for Stamford (Sir F. Thesiger) committed a slight inaccuracy in saying that the Secretary of State under the Government of Lord Derby proposed to settle this question, and suggested the plan which was afterwards carried out by Sir John Young. The matter was left completely ambiguous, all that was said being that the Government had in contemplation a measure for the settlement of the question. During the Government of Lord Derby the hon. Member for Cork brought forward a Motion for the total abolition of the tax. The Government did not meet that Motion by a direct negative, but they moved the previous question, thus implying that they were prepared to settle the question. That Government, however, had no opportunity of doing so, for ten days afterwards they were thrown out of office, and Lord Aberdeen's Government succeeded them. Sir J. Young subsequently brought in a Bill upon the subject, and he was free to confess that there was only one portion of that Bill with which he concurred, and that was the provision which removed the rectors of parishes from the disagreeable position in which they were previously placed, and enabled them to draw their incomes from the Ecclesiastical Commissioners. Now, the present Bill did not interfere with that right. Sir J. Young took from the clergy the arduous and disagreeable task of levying the impost, and imposed it upon the corporations — a duty foreign to their constitution, and which necessarily brought them into disastrous disputes with their people. The representatives of those towns, with the exception of the Members for Dublin, objected to that proposal. The Bill, however, passed into law, and the inevitable result of it was to bring the corporations into collision with their ratepayers, or, if these corporations did not perform the invidious task imposed on them, to bring them into collision with the Government. From the very first the corporations indicated their intention of not becoming the collectors of this tax, and it had been his duty to state the course which the Government intended to adopt—namely, to carry the law into effect, and in so doing he had pointed out the difficulties which were in the way. The result of that course had been a scene of unhappy and expensive litigation. At the present moment there were seven suits pending in the Court of Exchequer in Ireland at the suit of the Attorney General, against the several corporations to enforce the tax. In one case judgment had been given for the Crown, and proceedings had been commenced in order to carry the case to the Court of Error, and thence before the House of Lords, and he could not certainly affirm that that tribunal would not reverse the decision of the court below. But, supposing the judgment were confirmed, how could it be enforced against a body corporate which had, after fulfilling its trusts, no property of its own? For his own part, he believed it was exceedingly difficult, if not impracticable to obtain the fruits of judgment in such a case, and a recent decision of the Court of Chancery confirmed him in that view. He did not look upon this impost as being church property, nor did the measure involve any question of appropriation. It was a question of taxation; the tax had been created by Act of Parliament; and, as it had been created by Parliament, so Parliament had a perfect right to abolish it. Was it, he would ask, politic for so small a sum as £12,000, per annum to keep up a continued feeling of strife and contention? If it were impossible to levy the tax, let the House see if there was anything which could be resorted to as a substitute for it. He thought that substitute might be found in the funds in the hands of the Ecclesiastical Commissioners. He believed that by an economical management of the annual receipts of the Commission, which had increased from £68,000 in the year 1848 to £140,000 in the last year, a sum might be set aside to be applied for the purposes for which the tax then under consideration was levied. He had before him the accounts for the year 1855, and in them he found one item alone amounting to £34,850 for "requisites for the celebration of Divine service in several churches and chapels." What the components of that item were he had not the materials to enable him to say. Moreover, there was £6,000 a year paid for salaries, and a salary of £1,000 a year to a solicitor, in addition to his professional outlay, and an allowance for clerks. These items might be considerably reduced. Even if that could not be done, Christians of other denominations by voluntary efforts raised means for the celebration of Divine service, and he did not think it too much to call upon his Protestant fellow-countrymen to imitate that example, if by so doing they could put an end to a continued source of strife and contention. For his part he believed that, without reducing the funds in the hands of the Ecclesiastical Commissioners, or withdrawing those funds from the purposes to which they were now applied—the increase of ministers' stipends, the repair of churches, and the building of glebes—a large proportion of these items might, under a more economical management, be applied towards this £12,000. The tax was oppressive. It gave rise to opposition in every part of the country, and to continuous litigation, involving more expense than the whole tax. Eight towns came to the House, told them that they regarded it as most obnoxious, and prayed to be relieved from the impost. He thought the House would agree that a tax which assumed that character, which met with opposition on all hands—so small in amount, but so vexatious in operation, was one which ought to be abolished, and that it would be most unwise and impolitic to uphold such a source of irritation and ill-will.

LORD JOHN RUSSELL: Although I have no doubt with respect to the Vote which I shall give upon this question, yet I own I am not so well satisfied with the reasons which have been given for that vote by two Members of the Government and a late Member of the Government, as to induce me to refrain from stating shortly the ground upon which my own vote will be given. Sir, I am not satisfied with the statement that the necessity for this vote arises from the imperfections of the Act of 1854. That Act, as I understand it, consists of four parts. One part reduced by 25 per cent. the amount of ministers' money to be paid. To that part I think no objection has been made. Another part provided that, instead of the uncertainty that formerly prevailed, the ministers entitled to these stipends should receive them from the Ecclesiastical Commissioners. That I believe was a very wise provision, and has tended as well to the comfort and welfare of those ministers as to the comfort and ease of those who are called upon to pay the tax. A third part of that Bill consisted of a provision that those who occupied houses under £10 a year should no longer be subject to the tax. That, again, I think, tended to prevent very vexatious and oppressive levies of small sums, and was likewise wise and proper. The fourth part of the Act, which provided that the corporations should levy the tax, seems to me to be the only part which could be said to have entirely failed, and that part undoubtedly has not worked satisfactorily; but the Government had the matter under their consideration, and I presume that, if by any other mode of collection—if by taking away this liability from the corporation, and placing it in any other hands, the collection of the tax could have been made easy and successful, they would rather have preferred that course to the course which they have adopted, and have submitted it to the House. I presume, therefore, that the failure of Sir John Young's Act rather arises from the difficulty of the matter itself than from any imperfections which are to be found in the Act. Not finding, then, in that Act—upon which so much stress has been laid, and which by two Members of the Government, one of whom has lately left it, has been made the theme of so much objection, any reasons to necessitate the present measure, it appears to me that there is one ground, and that a very simple ground, upon which it can be fully justified. The Act of 1833, introduced by the present Earl of Derby, took away from the Church of Ireland part of its revenues for the system of what was called church cess, amounting, if I recollect rightly, to about £70,000 a year. That part of the revenues of the Church was taken away, on the ground that it was most vexatious in its collection; that it was felt as an oppression by the people; and that, in fact, it raised great hostility to the Church for whose support it was levied. In lieu of that revenue there were certain charges — that for building and repairing churches amongst others —placed upon the Commission, which was furnished with funds, partly by the suppression of the bishoprics, and partly by a tax on benefices. That measure affected £70,000 a year of the Church revenue. It appears to me that, with regard to this £12,000 a year, there are the same objections as to the £70,000 a year—that it is vexatious and oppressive; that it is collected in small sums; that it does not tend to the welfare and comfort of the ministers of the Church who receive it, or to the general well-being of those who pay it; and as there were funds provided for the Church Commission, to meet the deficit caused by the abolition of church cess, so likewise I think there will be no difficulty in providing a substitute for minister's money. I own I cannot conceive how the right hon. and learned Gentleman opposite (Mr. Napier), who argued this case with so much ability, could contend that this is a spoliation of Church property; that it is a precedent which involves the ruin of the Church; that it is contrary to the principles of property altogether—when he had this precedent before him of 1833 in an exactly similar matter, and in which Parliament took a course exactly similar to that now proposed. There remains, therefore, it appears to me, one single question to be answered—namely, is it possible or impossible for the Ecclesiastical Commissioners, with the funds they have at their disposal, to furnish this substitute for ministers' money? I own I cannot doubt that it is possible; for taking, not the statement of the Attorney General for Ireland, but of the right hon. Gentleman himself, he admits that that income, which was £68,000 in the year 1848, was £93,000 in 1856. Taking that statement, you have an increase of £25,000 a year in order to provide a sum of £12,000 a year. This is a very short, but I trust, clear statement of the grievance that is suffered, and of the method in which it is possible to deal with it. I confess I think, that as the question does touch upon very important interests, as it is right that those who support this measure should have an opportunity of stating their reasons, in order that their views on other matters, touched by the same principle, might not be affected, and as, therefore, it is a matter which requires legislation, the question had better be undertaken by a Member of the Government than by the hon. Member for Cork. He says it was left to his own choice whether to undertake it or let it alone. I should be glad to find that he gains credit from the people of Ireland for having undertaken the measure, but I fear he did not make a very fortunate choice when he took it upon himself, inasmuch as it has less chance of success than if the Government had made it a measure of their own. But, whether in his hands or the hands of the Government, I on these grounds support the second reading of the Bill.

Mr. WALPOLE: The last observation of the noble Lord, coupled with those with which he commenced, induce me to request him to reconsider his determination, which is distinctly and diametrically opposed to the noble stand which he has invariably made in defence of the system of church rates in England upon the ground that those rates were property belonging to the Church, which, if you take away, you strike at the foundation of all property, and are injuring the permanent institutions of the country. I do not wish to press the noble Lord's argument too far, nor do I think this impost, as it is called, is at all to be compared to church rates in England or to the church cess in Ireland; but I am confident that principles thus enunciated will, if acted upon, lead us into difficulties which the noble Lord himself will be the first to deprecate. The Attorney General for Ireland has told us that Lord Derby's Government had been prepared, as he inferred, to abolish this tax, because they met the Motion for its abolition by moving the previous question. Upon that occasion I stated the grounds upon which Lord Derby's Government was prepared to act, and if the House will follow me for a few moments they will see that those grounds were just and safe grounds. The objections to the impost were three. The first was its inequality, and the undue manner in which it pressed upon the poorer householders who fell within its range. The second objection, to the mode in which the tax was levied upon certain tenants in the towns subject to its payment was, that it was levied at the same rate of assessment as when the assessment had been first made, though their tenements had since become considerably depreciated in value. These two objections the Government of Lord Derby was prepared to remove. In addition to that we were ready to give to those, who might choose to take advantage of the privilege, the power of redeeming the tax, and I may add that these various principles were embodied in the measure of Sir J. Young, which was introduced by the Coalition Government, of which the noble Lord opposite, who has just resumed his seat, was the leader, which bore on its back the name of the present First Lord of the Treasury, then Home Secretary, and which was supported by the right hon. Baronet the Member for Carlisle, the right hon. Member for Oxford University, and by every man of note on the other side of the House. The third great objection to the tax was that which was urged so temperately by the hon. Gentleman opposite (Mr. Fagan), and which consisted in the circumstance that its collection gave rise to religious differences and animosities among the inhabitants of Ireland. But how did the noble Viscount at the head of the Government meet that objection in the year 1854? He said, "You cannot argue the question upon the ground of religion. It is a question not of religion but of property." That was the opinion of the noble Lord, and I beg leave to say that the objection is one which cannot be admitted as of any more force against this tax than against church rates or any other impost of a similar character. There is, however, one point in connection with this subject which I am particularly anxious to press upon the attention of the House. This tax was first levied in the reign of Charles II.—a period of nearly 200 years ago—while it was not only not repealed by the Bill of 1854, but was absolutely confirmed, so that it has now two Parliamentary enactments in its favour. Well, that being so, let me ask what better claim does Maynooth possess to the sum which it annually receives? I am, indeed, one of those who think that the agitation for the withdrawal of the grant to Maynooth is a most unfortunate circumstance for the country. Upon that point I am aware that I unhappily differ from some of my most intimate friends. I feel it, however, to be my duty to speak what I honestly believe to be the truth, and it is my opinion that if you to-night assent to the second reading of this Bill you will afford to those who seek for the withdrawal of the grant to Maynooth an argument in support of their views which you will find it extremely difficult to answer. That grant, as well as ministers' money, owes its origin to Act of Parliament. Both alike give offence to the religious feelings of the inhabitants of two different countries. There are, then, but two ways of dealing with the question. You must either admit that an obligation entered into by Act of Parliament must be religiously observed, or that the particular obligation being dispensed with, some equivalent for its removal should be given. I defy you to arrive at any other conclusion upon any principle of justice or of reason. This leads me to make an observation with reference to what has fallen from the right hon. Gentleman the Attorney General for Ireland (Mr. FitzGerald), who, taking up the Report of the Ecclesiastical Commissioners, has referred to the fact that they have availed themselves of the assistance of a solicitor, at a salary of £1,000 per annum, to aid them by his advice in their proceedings; and, with reference to the argument of the noble Lord, founded upon the circumstance that while £12,000 was all that was required for ministers' money, the Commissioners were now in the receipt of £25,000 per annum more than in 1848. My answers to those remarks, implying that the funds of the Commissians have increased, and, therefore, that they possess sufficient money for the objects which they have in view, are two— In the first place, they were taking away what was secured to parties by Act of Parliament and was applicable to one purpose, to apply it to another purpose to which it was not legally applicable. And in the second place, until you are satisfied that the stipends of those poor clergymen, who receive only a miserable pittance of £100 or £150 per annum, and who now constitute one-third of the clergy of Ireland, ought to be reduced—until, in short, you are convinced that the trusts which the Ecclesiastical Commission was established to carry into effect have been fulfilled, you cannot say they possess a surplus in their hands, and that their funds ought to be turned to other uses than those which the law now sanctions. This is a subject with respect to which I am extremely anxious we should proceed upon no erroneous principle. I am solicitous that we should not break through those securities upon which property is based, and that we should, by steadily adhering to that principle, contribute, as far as lies in our power, to produce that peace throughout the country which it is so desirable to maintain.

VISCOUNT PALMERSTON: I hope the House will give its assent to the second reading of this Bill, and I trust that in coming to that decision hon. Members will consider the question upon its own merits, and will not be led away by the observations which have fallen from hon. and learned Gentlemen opposite, who combine this with a great number of other measures, and would make our decision depend on hypothetical questions not now under our notice. Those hon. and learned Gentlemen have endeavoured to show by a logical deduction that the towns in Ireland at present subject to this impost ought to continue to pay it, and, if the question were one of logic, I have no doubt that the hon. and learned Member for Enniskillen would succeed in convincing his clients, whom he is about to defend in their resistance to this impost, that upon the principles of logic they ought to be willing to pay it. This question, however, is not one to be determined upon grounds of such narrow description. It is a question of State policy, in our decision in reference to which we ought to be guided by considerations of a larger scope than those by which the hon. and learned Gentleman would have us influenced. Everybody must admit that ministers' money is a tax which has long been regarded as objectionable. Successive Governments have endeavoured so to modify its imposition as to remove those objections. The Administration of Lord Aberdeen hoped that the Bill of 1854 would remove the difficulties attendant on the collection of the tax. Such, however, has not been found to be the case. We are now told that in attempting to deal with the tax we are depriving the Church of her property. We ought, however, to bear in mind that the clergymen themselves, when they had to collect the tax, hardly ever succeeded in the attempt, and that it was upon that account that 25 per cent. was taken from its amount, and that they received a sum less than that to which they were nominally entitled. I am of opinion that the Bill of 1854 introduced a great improvement in connection with the subject. It secured to those clergymen the amount of their reduced stipends from the funds in the hands of the Ecclesiastical Commissioners. The claim was transferred from the local tax to the revenues of the Commissioners, and therefore, so far as they were concerned, the clergy were placed upon a better footing, inasmuch as they had guaranteed to them the sum which it was thought they ought to receive. It was also supposed that by transferring the collection of the tax from the clergyman to a corporation that collection would be more easily made, and that in that way the commissioners would be reimbursed for what they had advanced to the clergy. Experience has, however, shown that in that respect the Bill of 1854 has been a failure, that the collection of the tax has become the subject of lawsuits and controversy, and that it has entailed enormous expense. At the commencement of this year, therefore, Her Majesty's Government, having considered what course they would take upon a question which it was announced would be brought again under their notice, and after full deliberation, came to the conclusion that, as a substitute had been provided, and as the funds of the Ecclesiastical Commissioners appeared from the returns which were laid before the House, to be amply sufficient to provide this £12,000 a year, it would be desirable, for the sake of promoting peace and quietness in the country, and removing heartburnings and disputes, to place the charge permanently upon that fund upon which it had been placed in the first instance. We came to that decision at an early period of the year, and I trust this House will sanction it by agreeing to the Bill of my hon. Friend the Member for Cork. The hon. and learned Gentlemen opposite have taunted us with having shaped our course upon this question with a view to the elections that were about to take place. I am unwilling to say anything uncivil to the hon. and learned Gentlemen; but if we are taunted in this manner, I am compelled to tell them that we did not stand in need of such slender support as a stratagem of that sort would have afforded us. It was not to that quarter of the House which we looked; we looked opposite, and were content to rest our chance of the favourable decision of the country upon the course which had been pursued by those who sit face to face with us, and did not trust to any concessions we might be disposed to make the hon. Gentlemen whom we see below the gangway on our own side of the House. We came to our decision, not for any unworthy reasons, such as those which have been charged against us, but upon grounds of material policy, and our object was to put an end to an impost trifling, no doubt, in amount, but still important in its bearings on the peace and contentment of the country. We took our decision upon grounds which, I think, statesmen would be fully justified in accepting, and I am convinced that if the House should concur with us in the course we have adopted, so far from the Church of Ireland being injured in her interests, we shall find that she will derive additional strength from the goodwill which this measure will produce, and that the funds of the Ecclesiastical Commissioners are amply sufficient to provide the means of continuing the payments to those clergymen who are affected by the Bill. My noble Friend (Lord John Russell) has said that this measure ought to have been taken up by the Government. It was our first intention so to take it up; but, feeling that my hon. Friend the Member for Cork (Mr. Fagan), had identified himself with the question, that he had perseveringly advocated the claims of those on whose behalf he speaks, I felt it was due to him to give him his choice as to who should have the conduct of the Bill, and, if he was desirous himself to propose it to the House, to express my willingness on the part of the Government to allow him to do so. But I hope the House will believe that, in supporting the Bill, we support it with all the earnestness and influence of the Government, and that, although the measure has been brought forward by my hon. Friend the Member for Cork, we are willing to take as much responsibility for it as if it had been moved by one of ourselves.

Question put.

The House *divided:* Ayes 313; Noes 174: Majority 139.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

List of the AYES.

Adair, H. E.
Adeane, H. J.
Akroyd, E.
Althorp, Visct.
Anderson, Sir J.
Antrobus, E.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Baines, rt. hon. M. T.
Ball, E.
Baring, T. G.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Beaumont, W. B.
Berkeley, hon. H. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Blake, J.
Bland, L. H.
Bonham-Carter, J.
Bouverie, rt. hn. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Boyd, J.
Brady, J.
Brand, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Brown, W.
Bruce, Lord E.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Butt, I.
Buxton, C.
Byng, hon. G. H. C.
Caird, J.
Calcutt, F. M.
Calcraft, J. H.
Campbell, R. J. R.
Castlerosse, Visct.
Cavendish, Lord
Cavendish, hon. C. C.
Cavendish, hon. G.
Cheetham, J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Cobbett, J. M.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Colville, C. R.
Coote, Sir C. H.
Coningham, W.
Conyngham, Lord F.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Dalgleish, R.
Davey, R.
Davie, Sir H. R. F.
Deasy, R.
Denison, hon. W. H. F.
Dering, Sir E.
De Vere, S. E.
Devereux, J. T.
Divett, E.
Dodson, J. G.
Duff, G. S.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Dundas, F.
Dunlop, A. M.
Dunne, M.
Ellice, E.
Ellis, hon. L. A.
Ennis, J.
Esmonde, J.
Euston, Earl of
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fagan, W.
Ferguson, Col.
Finlay, A. S.
FitzGerald, W. R. S.
FitzGerald, rt. hon. J. D.
Fitzwilliam, hn. C. W. W.
Foley, J. H.
Foley, H. J. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
French, Col.
Garnett, W. J.
Gifford, Earl of
Glover, E. A.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Grace, O. D. J.
Greene, J.
Greenwood, J.
Greer, S. M'C.
Gregory, W. H.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, J. D.
Hassard, M.
Hastie, Arch.
Hatchell, J.
Hay, Lord J.
Headlam, T. E.
Heard, J. I.
Henchy, D. O'C.
Heneage, G. F.
Herbert, H. A.
Hindley, C.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hughes, W. B.
Hutt, W.
Ingham, R.
Jackson, W.
Jervoice, Sir J. C.
Johnstone, Sir J.
Keating, H. S.
Ker, R.
Kershaw, J.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugesson, E
Langston, J. H.
Langton, H. G.
Levinge, Sir R.
Lewis, rt. hn. Sir G. C.
Lincoln, Earl of
Locke, J.
Lowe, rt. hon. R.
Macarthy, A.
M'Cann, J.
MacEvoy, E.
Mackie, J.
Mackinnon, W. A.
M'Cullagh, W. T.
Maguire, J. F.
Mainwaring, T.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Matheson, Alex.
Matheson, Sir J.
Melgund, Visct.

Merry, J.
Mills, T.
Milton, Visct.
Moffatt, G.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Moore, G. H.
Morris, D.
Mostyn, hon. T. E. M. L.
Muntz, G. F.
Napier, Sir C.
Neate, C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, P.
O'Brien, Sir T.
O'Brien, J.
O'Connell, Capt. D.
O'Donaghoe, The
O'Flaherty, A.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Pease, H.
Pechell, Sir G. B.
Peel, Sir R.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Pinney, Col.
Platt, J.
Portman, hon. W. H. B.
Potter, Sir J.
Power, N.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Raynham, Visct.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Ridley, G.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, F. C. H.
Russell, Sir W.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Seymour, H. D.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.

Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smyth, Col.
Stafford, Marq. of
Stanley, Lord
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Sykes, Col. W. H.
Tancred, H. W.
Taylor, S. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tottenham, C.
Townshend, J.
Traill, G.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, hon. J. C. W.
Vivian, H. H.
Waldron, L.
Walter, J.
Warburton, G. D.
Watkin, E. W.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Whatman, J.
Whitbread, S.
White, J.
White, H.
Willcox, B. M'G.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Worsley, Lord
Wyld, J.
Windham, Gen.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Annesley, hon. H.
Archdall, Capt. M.
Baring, T.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Bennet, P.
Bentinck, G. W. P.
Bernard, T. T.
Bernard, hon. W. S.

Blackburn, P.
Boldero, Col.
Booth, Sir R. G.
Botfield, B.
Bovill, W.
Bramley-Moore, J.
Bridges, Sir B. W.
Bruce, Major C.
Bruen, H.
Buller, Sir J. Y.
Bunbury, W. B. M'C.

Burghley, Lord
Burrell, Sir C. M.
Carden, Sir R. W.
Carnac, Sir J. R.
Cecil, Lord R.
Child, S.
Christy, S.
Clark, J. J.
Clive, hon. R. W.
Cobbold, J. C.
Cole, hon. H. A.
Conolly, T.
Cooper, E. J.
Copeland, W. T.
Corry, rt. hon. H. L.
Cross, R. A.
Dalkeith, Earl of
Damer, L. D.
Davison, R.
Disraeli, rt. hon. B.
Dobbs, W. C.
Dod, J. W.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Egerton, E. C.
Elphinstone, Sir J.
Elton, Sir A. H.
Emlyn, Visct.
Estcourt, T. H. S.
Farnham, E. B.
Farquhar, Sir W. M.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Gard, R. S.
Goddard, A. L.
Greenall, G.
Gray, Capt.
Griffith, C. D.
Grogan, E.
Hamilton, Lord C.
Hardy, G.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Henniker, Lord
Hildyard, R. C.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hume, W. F.
Ingestrie, Visct.
Jermyn, Earl
Johnstone, hon. H. B.
Johnstone, J. J. H.
Jones, D.
Kendall, N.
King, J. K.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.

Laslett, W.
Legh, G. C.
Leslie, C. P.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, A. E.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lygon, hon. F.
Macartney, G.
Macaulay, K.
M'Clintock, J.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miller, T. J.
Miller, S. B.
Montgomery, H. L.
Montgomery, Sir G.
Mowbray, J. R.
Mullings, J. R.
Napier, rt. hon. J.
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Pakington, rt. hn. Sir J.
Palmer, R.
Paull, H.
Peel, Gen.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Robertson, P. F.
Russell, F. W.
Scott, Capt. E.
Seymer, H. K.
Shirley, E. P.
Sibthorp, Maj.
Smollett, A.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Steuart, A.
Sturt, H. G.
Sturt, C. N.
Thesiger, Sir F.
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Warren, S.
Welby, W. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Willoughby, J. P.
Willson, A.

Woodd, B. T.	Yorke, hon. E. T.
Wortley, Maj.	
Wyndham, Gen.	TELLERS.
Wynn, Col.	Jolliffe, Sir W. G. H.
Wynn, Sir W. W.	Taylor, Col.

House adjourned at One o'clock.

HOUSE OF LORDS,

Wednesday, May 20, 1857.

MINUTE.] *Took the Oaths.*—The Earl De Grey.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned at a quarter past Three o'clock, to Friday next, half past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, May 20, 1857.

MINUTES.] PUBLIC BILLS.—2° Registration of Long Leases (Scotland); Burial Acts Amendment.

INDUSTRIAL SCHOOLS BILL—COMMITTEE.

Order for Committee read.

MR. ADDERLEY moved that Mr. Speaker do now leave the chair. The hon. Member said that the principle of the Bill having been so fully recognized on a former occasion, he hoped that he should be allowed to proceed with it at once. He thought that the clauses and Amendments which he was about to introduce would fully meet the views of the hon. Members who had placed notices with respect to the Bill on the paper.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR GEORGE GREY hoped that the hon. Member would only go into Committee *pro formâ,* in order to have the Amendments of which he had given notice printed. The Bill was one of great importance, and though he should be sorry to stand in the way of its being considered in Committee, he thought sufficient time ought to be given to ascertain the opinion of boards of guardians, and others who were interested, throughout the country regarding it. His right hon. Friend the President of the Poor Law Board and the Chancellor of the Duchy of Lancaster took a deep interest in the question, and he hoped that they would have an opportunity of fully considering all the details of the measure. But that could not be done on the mere introduction of new clauses; and therefore, if the hon. Gentleman refused to accede to the course he had suggested, he should vote for the Amendment of the noble Lord the Member for the West Riding (Viscount Goderich).

MR. MILES cordially concurred in the opinion of the right hon. Baronet. This measure, however benevolent might be its object, would interfere greatly with the operations of poor-law guardians throughout the country, and it contained many clauses which were objected to even by some of its supporters. He thought it very desirable, therefore, that time should be given for consideration, and he hoped his hon. Friend would adopt the suggestion thrown out to him.

MR. GREGORY said, that, as Ireland was to be exempted from the operation of the Bill, it might appear at first that an Irish Member had no right to offer any objections. He could not, however, conceal from himself that the vast majority of the disorderly and vagrant children who would come under the operation of the Bill were the children of Irish parents who had located themselves in the metropolis and other large towns, and therefore, as an Irish Member, he felt considerable apprehensions. The question of taxation was an English one, and he would not deal with it; but he hoped his hon. Friend would propose a clause which would lull the apprehensions now felt that the religious principles of the children would be tampered with by some of the managers of the proposed schools. Had his hon. Friend witnessed the heart-burnings and outrages which had arisen in Ireland from the system of proselytism, he would wish to place his scheme above all suspicion in that respect, and to make it a blessing instead of a snare to the lower classes of the community.

VISCOUNT GODERICH, in moving that the House resolve itself into the said Committee this day three weeks, observed that he had nothing whatever to say against the object of the measure. It would, no doubt, be an excellent thing if children could be reclaimed from crime and vagrancy; but in considering this measure they ought also to consider its machinery, and what effect it would have upon the present law. He only wanted to show that the Bill was of such a character that it required the utmost consideration before it was passed. It proposed to make an alteration in the existing poor law by dealing with the rates and the funds now administered by the guardians; and therefore both they and the people who paid the rates ought to be allowed ample time to consider the question. It proposed to do three things, of a very grave character. In the first place, it placed the guardians and the justices in such a relation to each other as could not fail to be productive of very great inconvenience, and would probably lead to many conflicts. The Bill would give power to the justices to send the children to the schools to be established under the Act, and if, after examining the parents, they considered that they were not in a condition to support such children, the justices were invested with an arbitrary power of making them chargeable upon the parish. Thus, all power of putting the parents to the test now enforced by the guardians would be entirely taken out of their hands, and that safeguard which the poor law set up to ascertain the real ability of the parent to support his children, would be destroyed, it being for the justices to say whether in their discretion the child ought to be maintained by the parish or not. This Bill also would virtually defeat the present law of settlement in the case of these children, because not only was it enacted that the children might be declared chargeable to the parish, but to that particular parish in which they were apprehended in the commission of the act of vagrancy which subjected them to the provisions of the Act. He had no objection, indeed, to an alteration of the present law of settlement, but he thought it ought to be effected by a specific measure introduced into the House and properly discussed, and not by a side-wind like this. What would be the effect? Why, that in numerous cases they would have the settlement of the parents in different parishes to those in which the children were arrested, and then an entirely new principle would be imported into the law of England. The House would recollect that one of the great difficulties that arose on the former measure was that which related to the settlement of Irish paupers, and many grave objections were advanced by boards of guardians in different parts of England on that ground. But one of the greatest objections to this measure was that which arose under the 17th clause, which provided that the justices might summon the parents and inquire into their circumstances, and then, in their discretion, might order them to pay a certain sum towards the maintenance of the children so apprehended; but if, on the other hand, they did not conceive that they were in a condition to pay for the support of the children, they were authorized to make an absolute order, without consulting the guardians, that the children should be supported out of the poor rates. Now, the effect of this would be that a parent would only have to send his children out into the street to beg, and thus get taken up by a policeman, in order to enable him to go before the magistrates, state his inability to support his children, and get them thrown on the parish. Under all the circumstances of the case, he thought it highly desirable that the Bill should be postponed until the country had given a full expression of opinion upon it.

MR. HADFIELD seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three weeks, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. ADDERLEY complained of the obstruction thrown in the way of the measure, and was by no means convinced that its postponement now would be a means of saving time in future, because precisely the same objections might be hereafter raised. At all events, he thought he was entitled to introduce his Amendments, and proceed with the measure until they came to the clause to which the chief objections were raised. He reminded the House how difficult it would be for him to obtain another day, and expressed his surprise that, considering the second reading was carried by nearly ten to one, he should not now be allowed to proceed with its details. So far from the measure being objectionable, the testimony of the important town of Birmingham was in its favour, for he had a letter from the guardians there, stating that when it became known that there was an intention of opposing the Bill, they met, with other bodies interested in the improvement of national education, and passed Resolutions strongly in favour of the measure. After taking the sense of the House on the 16th clause, he should have no objection to the Bill being re-committed as suggested.

MR. BAINES said, he had already expressed an opinion favourable to the principle of the Bill, and was anxious to see some measure passed on the subject; but he wished to see a well-considered measure, not a crude and indigested one. In its present shape the Bill would give rise to a great deal of useless discussion, which might be avoided by acceding to the proposition for the postponement of the Bill. There were several points of detail on which the promoters of the Bill did not appear to have made up their minds, and it was of great importance, before any discussion took place in Committee, that the various boards of guardians throughout the country should have an opportunity of considering the Bill in its matured shape.

MR. ROEBUCK said, he did not wish to discuss this measure, but the conduct of the Government with regard to it. It appeared to him that the duty of the Government was to watch well how laws were made in this House, and that they ought to be responsible for every enactment, and not to allow private Members to alter the whole system of the country in enactments introduced for special objects. It was, therefore, in his opinion, the duty of the Government to say whether they would adopt this measure or not. He said that the Government ought to be called upon, not to ask hon. Gentlemen what their intentions were, but to state their own. The House and the country wanted to know what Government thought of this measure in relation to, and as tampering with, the poor law. They ought not to try, like the noble Lord the Member for the West Riding, to put off indefinitely its discussion—to put it off for ever—for that, in fact, was what they were doing; but to take a more manly course, and either say that it was a measure which they could not approve of, or to take it out of the hands of the hon. Member for North Staffordshire, and to give it their earnest attention. His own opinion was, that the subject was so important that it ought to be dealt with by the Government alone.

MR. KENDALL urged the necessity for postponing this Bill, in order that the opinion of the poor-law guardians throughout the country might be taken.

MR. PALK also pressed the House to postpone the further consideration of the Bill, and that upon the ground that the measure, if passed as it stood, would, in practice, cause the most mischievous consequences. It would interfere most tyrannically with the only pleasure which the poorer classes of labourers had, the society and solace of their children. But he admitted that the subject, as it stood, was surrounded with difficulties requiring legislation, and he agreed with the hon. Member for Sheffield (Mr. Roebuck), that the Government ought to take the matter into their own hands.

MR. ROBERT PALMER also pressed for a postponement of the measure, but he suggested that the House should go into Committee *pro formâ*, that certain important Amendments might be printed. The Chairman might then report progress, and sit again that day four weeks.

MR. ADDERLEY assented to this course, and

Amendment by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill considered in Committee.

House resumed; Bill *reported;* to be *printed,* as amended (Bill 25); *recommitted* for Wednesday, 17th June.

JUDGMENTS EXECUTION, &c. BILL.

COMMITTEE.

Order for Committee read.

Motion made, "That Mr. Speaker do now leave the Chair."

MR. BLAND said, as the principle of the Bill had been sanctioned by the House he should be prepared to co-operate in making it as good a Bill as practicable. But he wished the Committee to be postponed until after the other Orders of the Day, because most of the Irish Members were absent on a deputation to the noble Lord at the head of the Government. He would move the postponement according to the suggestion he had made.

MR. SPEAKER: The Order of the Day has already been read. The Question is that I do now leave the Chair.

House in Committee.

Clause 1

(Where Judgment has been obtained in the Courts at Westminster, a memorial thereof registered in Ireland, and *vice versâ,* shall have the effect of a judgment of the court in which it is so registered).

MR. BLAND said, in the absence of almost every Irish Member, he could not permit the Bill to proceed; and he should move that the Chairman report progress.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 10; Noes 157: Majority 147.

MR. BLAND rose to propose an Amendment, the purport of which was, that Clauses 1 to 13 be omitted, and that other clauses, of which he had given notice, be inserted.

THE CHAIRMAN said the hon. Member could only simply negative the Motion that this clause be inserted.

MR. SPOONER said, his objection was, that there was no security against collusive judgments, and he suggested to insert the word "adverse" before the word "judgment." He threw that out for consideration and for that purpose would move it.

MR. J. D. FITZGERALD said, no doubt the law would be liable to abuse in that respect, but it would give no new facilities for fraud or greater than now existed. There was a subsequent clause which provided that the judgment should have no greater effect than a warrant of attorney, which, if collusive, would be void in the event of bankruptcy.

Amendment *withdrawn.*

COLONEL FRENCH moved that the Chairman report progress. It was unfair to force the Bill on in the absence of almost every Irish Member. The Irish Members were at that moment waiting on Lord Palmerston on an important subject, and could not be present.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided*:—Ayes 11; Noes 151: Majority 140.

Question again put, "That the Clause stand part of the Bill."

MR. BLAND said, he was opposed to the clause, and should move that it be omitted. If he succeeded in excluding it he should move to insert another in lieu of it, the effect being that an attested copy of the judgment should only have the same force as a warrant of attorney to confess judgment. This clause was framed in accordance with the opinions of Chief Justice Monahan, and would give the Court in which the judgment was registered a control of it.

MR. AYRTON also opposed the clause, which, he said, raised the whole question of the Bill, as it involved in principle the whole. It was desirable, no doubt, to expedite the recovery of judgments; but the Bill would be extended to all classes of judgments. The Bill was badly framed, and required substantial alteration. The clause, as at present framed, was not put together in the manner best calculated to carry out the objects of the Bill.

Question put, "That Clause 1 stand part of the Bill."

Mr. Bland

The Committee *divided*:—Ayes 137; Noes 43: Majority 94.

Clause *agreed to.*

Clause 2

(Where judgment has been obtained in the Courts at Westminster or at Dublin, a Copy thereof registered in Scotland shall have the effect of a Decreet of the Court of Session).

MR. AYRTON objected to the terms of the clause as being most untechnical in their character, as they proposed that judgment should be taken on one side of the court, and that execution should go on in the other. He was not very conversant with the law of Scotland, but feared that this proposition was very much like commencing an action in the common law courts of England, and taking a judgment in the equity courts. He hoped the learned Lord Advocate would inform the House whether, in his opinion, the clause as at present framed was consistent with the existing administration of the law in Scotland?

THE LORD ADVOCATE expressed his belief that the clause in the Bill would have precisely the same effect as that proposed by the hon. Gentleman, and in his opinion it was preferable of the two.

MR. DEASY pointed out that judgments of courts of equity, which often affected the payment of large sums of money, were not referred to in the Bill. Changes in the law relating to land in Ireland had also been made of late years, and he should have liked to see a Bill introduced by the hon. and learned Attorney General for Ireland, who was well acquainted with the course of recent legislation upon that subject, instead of a measure brought in by a private Member, and framed in complete ignorance of the existing state of things with regard to the effect of judgment in Ireland.

MR. NAPIER took the same view, and contended that the Government were not justified in taking up the Bill unless they were prepared to accept it in its present shape. He thought it would be better to report progress.

MR. ROEBUCK complained, that in considering a measure to alter the law of the three kingdoms the House had not the assistance of the Attorney General for England as well as that of the Attorney General for Ireland and the learned Lord Advocate. A Bill ought to have been brought in on the authority of those three Gentlemen if brought in at all, and not by a private Member. He hoped that the present Bill would be, as it had been on a former occasion, kicked out with the contumely which it deserved.

MR. WHITESIDE regretted that the hon. Gentleman should have brought in a Bill which, with all deference to him, would affect subjects which he did not understand. The effect of the measure would be to complicate the transfer of land in Ireland, which at present was comparatively easy.

MR. NAPIER formally moved, that the Chairman report progress, in order that the Government might consider whether the measure really harmonised with the law of the three kingdoms.

MR. J. D. FITZGERALD said, that when the Bill was originally introduced decrees of courts of equity came within its scope; but it now applied only to judgments of the courts of law, and he could not see the force of the difficulties in the way of its successful working which had been pointed out. The Bill did not seek to alter the mode of procedure in either of the three countries, but simply to expedite it.

MR. MALINS supported the clause. The principle of the Bill was involved in this clause, which simply proposed, that a judgment obtained in England should, if properly registered, have the force of a judgment in Ireland, and *vice versâ;* and as the laws of both countries were substantially the same, he for one could see no objection to the clause. The Bill was intended to remove anomalies in the laws of the three kingdoms, which it was a marvel and a disgrace had existed so long. Hon. Gentlemen might say that this was a Bill which the Government ought to have introduced. But although no one had had greater experience than himself of the difficulties standing in the way of legislation by a private Member—difficulties which had restrained him from attempting to remove many well-recognised defects in the law—he was not going to thwart the efforts of private Members in the absence of interference on the part of the Government, when they were bold enough to attempt the reform of admitted abuses in the law. It was too much the fashion to say that Gentlemen sitting on that side of the House, because they happened to adhere to certain great Conservative principles, were opposed to all reforms. That, however, was nothing more than a mere fanciful thing; and for himself he would affirm that no one was more anxious than he was to see the work of law reform rapidly progress.

MR. BUTT wished to remind his hon. and learned Friend (Mr. Malins), that the law of judgments in England and Ireland was entirely different.

MR. MALINS: The only practical difference is that a little more particularisation is required in Ireland than in England.

MR. BUTT must confess his objections to the Bill were very strong. In the first place, he very much objected to the same court having control over the judgment that had control over the execution. In Ireland execution was a judicial act; in England it was Ministerial. He should like to see a provision inserted, making it necessary that notice should be given to a defendant against whom a judgment obtained in one country and registered in another, that such a proceeding had taken place. He should wish also that power should be given to a court in which proceedings were taken in a cause originated in another country, to remit the cause for trial in the court of the country from which it came.

COLONEL FRENCH suggested that the Government should take the advice which had been given them in reference to the Bill by the hon. Member for Sheffield, and should more carefully consider its provisions.

MR. NAPIER said, that after what had fallen from his hon. and learned Friend the Member for Cork (Mr. Deasy) and other hon. and learned Members, to the effect that the Bill, instead of carrying out an advantageous principle, would introduce confusion into the legal system in Ireland, he felt it to be his plain duty to continue his opposition to the measure.

THE LORD ADVOCATE thought his hon. and learned Friend the Member for Ayr (Mr. Craufurd) deserved great credit for the perseverance with which he had conducted the Bill through the House, and, feeling satisfied with its provisions so far as they bore upon the laws of Scotland, should vote against the Motion for reporting progress.

MR. WHITESIDE said, that in his opinion fraudulent executions—of which there were many instances — would be greatly promoted under the operation of the Bill.

MR. MALINS, on the other hand, thought the Bill would offer no additional facilities whatever for fraudulent executions, which were quite practicable under the existing law.

Motion made, and Question proposed, "That the Clause, as amended, stand part of the Bill."

Whereupon Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:*—Ayes 89; Noes 187: Majority 98.

MR. AYRTON said that, considering the very different opinions which prevailed as to the merits of the Bill among hon. Members competent to form a judgment in the matter, he should suggest that the Bill be referred to a Select Committee of lawyers, who, as the subject was of an entirely legal character, could best investigate its details and bring them into a satisfactory shape.

MR. P. O'BRIEN said, it was obvious from the frequent divisions upon this Bill, that the Irish Members were unanimous in opposing it. He would, therefore, recommend its further progress to be postponed until the Irish Judges had been communicated with as to its effects in Ireland.

MR. BLAND should take the opinion of the Committee upon this clause. The laws of Scotland were so unintelligible that he could not consent to allow the decrees of the Scotch courts to run into England and Ireland.

Question put, "That Clause 2, as amended, stand part of the Bill."

Committee *divided:*—Ayes 179; Noes 92: Majority 87.

Clause *agreed to.*

Clause 3

(No Memorial of a Judgment shall issue without rule of Court or Judge's Order or Certificate).

MR. M'CANN expressed his belief that there was not a man in the House who knew enough of Scotch law to enable him to form a judgment on this Bill. He advised the hon. and learned Gentleman (Mr. Craufurd) to postpone the measure until next Session; if, meanwhile, he would bring out a short edition of the Scotch statutes, he (Mr. M'Cann) would promise to read it. He admitted that he did not understand much of Scotch law, but as far as he was acquainted with it, he did not wish it to be applied to Ireland. The measure had been before the House five or six years, and there had not been a single petition in its favour. It was a crude piece of legislation, and it would be very wise to allow another year to bring it into maturity.

MR. DEASY proposed some verbal Amendments, which were agreed to.

MR. AYRTON said, that the clause, as it stood, would deprive all litigants of the right of getting a copy of the judgment in an action or suit in the superior courts for debt or damages.

MR. SPOONER would like to hear that objection answered.

MR. J. D. FITZGERALD assented to the introduction of an Amendment, at a future time, to remedy the defect referred to.

MR. ROEBUCK concurred in the objection made by the hon. Member for the Tower Hamlets, and thought it would be advisable to strike out the clause altogether, with the view of framing a new clause.

MR. CRAUFURD said, that it was his object in framing the clause, to prevent a copy of the judgment being given until an order was obtained.

Clause 4

(Where Decreet has been obtained in the Court of Session, an extract thereof registered in England or Ireland, shall have the effect of a Judgment of the Court in which it is so registered).

MR. DEASY proposed an Amendment,

To add at the end of the Clause the words "Provided always, That from and after the registering of any such copy or extract of any such judgment or decreet as aforesaid, it shall not be lawful to issue any execution in or out of the Court in which such judgment or decreet was originally obtained or recovered, unless an application for leave to issue such execution shall first have been made to the Court, or a Judge of the Court in which such judgment or decreet was originally obtained or recovered as aforesaid, nor unless it shall be shown to the satisfaction of such Court or Judge that the debt, damages, or costs for which such judgment or decreet was obtained or recovered, or some part thereof, is still due and unsatisfied, and that no other execution for enforcing payment thereof has been issued out of the Court in which such judgment or decreet was registered, or that such execution was in the whole or in part ineffectual."

MR. CRAUFURD opposed the Amendment as unnecessary.

Question put, "That those words be there added."

The Committee *divided:*—Ayes 96: Noes 163; Majority 67.

MR. AYRTON said the clause would necessitate the opening of three registries of judgments, thus tripling the existing expenses connected with the registration of judgments. He thought the mere addition of the letter I or S, as the case might be, to the entry of Irish and Scotch judgments in the existing registry would fully answer the object of the hon. Gentleman (Mr. Craufurd).

MR. BLAND apprehended that, as the Scotch law was a fusion of law and equity, the Scotch decreets would enable Scotch creditors to obtain execution for equitable as well as legal demands, and if so they would have an advantage over English and Scotch judgments, because under the latter merely legal and not equitable demands could be recovered. He should like to hear the hon. and learned Member for Wallingford (Mr. Malins) express his opinion upon this point, as he had adverted to it on a previous occasion.

MR. MALINS said he had considered the point, and was now of opinion that a judgment obtained in Scotland against the estate of a debtor in England or Ireland ought to be enforced against that estate, provided the judgment were obtained by a process analogous to that resorted to in England and Ireland. He could not perceive the force of the objection of the hon. Member for the Tower Hamlets, because, even under the existing law, searches had to be made in the English registry office for the purpose of ascertaining whether a judgment had been obtained against a man in Ireland or Scotland.

Clause *agreed to;* Clauses 5 and 6 *agreed to.*

Clause 7.

MR. BLAND moved that the Chairman report progress.

COLONEL FRENCH hoped that before the Bill again came before them the Government would reconsider the course they were taking. He thought the Irish Members, 105 in number, who, with one solitary exception, were all opposed to the Bill, had grave cause to complain of the Government for forcing this measure upon them.

Motion *agreed to.*

House resumed; Committee report progress; to sit again on *Wednesday,* 24th June.

The House adjourned at three minutes before Six o'clock.

HOUSE OF COMMONS,

Thursday, May 21, 1857.

EDUCATION IN SCOTLAND—QUESTION.

VISCOUNT MELGUND asked the Lord Advocate whether it was his intention to propose a Bill on the subject of national education in Scotland?

THE LORD ADVOCATE said, that he very much wished in this first Session of Parliament to have recommenced his attempts to introduce a system of education into Scotland, and nothing but the want of time had prevented him from making that attempt; but he considered that it would not be desirable to add to the other difficulties of that question the great difficulty of the want of time. Next Session, however, he hoped to be able to bring in a comprehensive measure on the subject.

THE EXPEDITION TO CHINA.

QUESTION.

MAJOR STUART WORTLEY asked the First Lord of the Admiralty whether Her Majesty's Government had considered the expediency of keeping the troops in China as much on board ship as possible until the close of the unhealthy season renders field operations practicable; and whether, when the troops are encamped, they are to be supplied with the Indian tents?

SIR CHARLES WOOD said, that the Government had taken measures to keep as many of the troops on board ship as possible until the end of the hot season. Supplies of tents would be sent from India to China when they were to be encamped.

TROOP SHIPS—QUESTION.

MAJOR STUART WORTLEY asked the First Lord of the Admiralty whether the Government would have any objection to appoint a board, consisting of two military, two naval, and one medical officer, to examine and report upon all ships appointed to sail with troops, in order to obviate the sending of troops in vessels unfit for that service.

SIR CHARLES WOOD said, that what the hon. and gallant Member suggested had substantially been carried out by the Admiralty. He had before him a Report upon the last two ships sent to China, signed by two naval officers, an assistant-quartermaster general, and a deputy inspector general of hospitals.

RULES OF THE IRISH COURTS.

QUESTION.

MR. BEAMISH inquired of the Attorney General for Ireland whether the Lord Chancellor of Ireland has made rules and orders under the 30th Section of Leases and Sales of Settled Estates Act, and when they may be expected to be laid before Parliament, as directed by 31st Section of said Act?

Mr. J. D. FITZGERALD replied that he had in his hand a printed copy of the rules which had that day been issued in Dublin. The delay which had taken place had arisen from a desire to assimilate the rules of the Irish courts to those which were enforced in England.

Mr. BEAMISH said, he would further ask whether the Lord Chancellor, the Lords Justices, or the Master of the Rolls in Ireland had made any rules in pursuance of an Act passed during the last Session of Parliament?

Mr. J. D. FITZGERALD replied, that such rules had been made and would be published in Dublin on the first day of next term.

MILITIA MEDICAL SERVICE—QUESTION.

Mr. BRADY asked the Under Secretary for War whether it is the intention of Her Majesty's Government to include the militia medical service in the inquiries about to be instituted relative to the Army Medical Department?

Sir JOHN RAMSDEN said, Her Majesty's Government did not intend to include the militia medical service in the inquiries about to be instituted.

THE UNIVERSITY OF ST. ANDREWS.

QUESTION.

Mr. E. ELLICE (St. Andrew's) said, he wished to put a question to his right hon. Friend the Vice President of the Committee of Privy Council for Education with reference to a statement represented to have been made by him of the manner in which medical degrees are conferred by the University of St. Andrew's. His right hon. Friend had been represented to have said that those degrees were made a matter of commerce, and given without regard to the qualifications of the candidate. Now, this, he would assure the House, was wholly at variance with facts, and he wished to give his right hon. Friend the opportunity of correcting the impression that had gone abroad, by asking him whether he had intended to make the statement attributed to him.

Mr. COWPER said, he had no hesitation in informing his hon. Friend that if the impression to which he referred had been conveyed by what he (Mr. Cowper) had said, he must have been greatly misunderstood. He particularly stated that the practice of giving diplomas without examination was one which formerly prevailed at the University of St. Andrew's, but which had now ceased. He mentioned the old practice as an illustration of the necessity for the adoption of more definite rules than at present existed, but he never meant to imply that that practice prevailed at the present time.

GREENWICH HOSPITAL—QUESTION.

Sir WILLIAM CODRINGTON said, he wished to ask the First Lord of the Admiralty by what authority the Order in Council of 1819, granting half-pay to naval officers, is set aside in regard to the captains, commanders, lieutenants, and masters of Greenwich Hospital; and why the practice does not equally affect the Governor, lieutenant governors, and commissioners of that hospital?

Sir CHARLES WOOD, in reply, said, that the Order in Council and the Act of Parliament founded upon it had not been set aside, because they did not grant half-pay under any circumstances. What they did, in point of fact, was to enable the Treasury to allow either the whole or a certain amount of half-pay to officers holding civil appointments. The Act was only a permissive one, and did not grant pensions. In reference to the subject before the House the officers in question had been from the first considered as retired officers of the navy and not as civil officers. At the time these offices were instituted the Order in Council was not in existence.

DUBLIN PORT.

COMMITTEE MOVED FOR.

Mr. VANCE said, the subject of his Motion, though apparently of merely local interest, was in reality of imperial concern, for the object of the measure, which he sought to introduce, was to relieve a particular class of traders from an impost which ought to be levied on the whole community. It was with respect to certain duties imposed for working the Harbour of Kingston that he chiefly referred. That Harbour had great capabilities as a refuge Harbour for all vessels on the eastern coast of Ireland that were in distress. It had been the means of saving a vast amount of life and property, in vessels belonging to other ports. It was, in fact, the only harbour of refuge on the east coast of Ireland. In the reign of George III. an Act of Parliament had been obtained to build a small pier at a place called Dunleary, chiefly for the accommodation of the Dublin merchants. For that purpose certain dues were imposed upon the trade of Dublin. Several years after that, a Bill had been passed for making a great harbour of refuge, intended for the relief of vessels from all parts of the world. By some inadvertence, the duties intended to apply to this small pier were realized for the making of the great harbour. Forty years had now elapsed, but no steps had been taken to make that harbour. The consequence was that the trade of Dublin continued to be burdened with these imposts, which were of a most absurd, ridiculous, and unfair character. As an illustration of the unjust character of the tolls levied, he would state that a vessel passing the harbour of Kingstown to go to Dublin, paid 4*d.* per ton, while a vessel which took refuge, and was saved, but did not go to Dublin, paid nothing. The dues, too, in many cases were enormous in amount. Thus, a cargo of tea imported to Dublin paid 2*s.* on every chest entered in the warehouse, while a cargo of tea in the same vessel, and under similar circumstances, but bound to another port, paid nothing. The consequence of the inequalities was, that the people of Dublin paid to provide a refuge for vessels from all parts of the world. The Committee upon local dues had recommended the abolition of those imposts, and the collector in Dublin had stated that the port of Drogheda derived more benefit from the harbour of Kingstown than Dublin did. Another of the duties imposed on the trade of Dublin was 2*s.* on every entry at the Board of Customs, for the purpose of building the Corn Exchange; also 6*d.* for the purpose of keeping up the Royal Exchange. The Exchange was no longer used for commercial purposes, but had been transferred to the municipal corporation. The dues received by the Government from the trade of Dublin, on account of Kingstown Harbour, amounted to some £3,000 a year, but in addition to that, they paid the Ballast Board of Dublin £2,500 a year, as compensation for differential dues which it might levy on foreign ships. When these duties were first imposed, Kingstown belonged to the port of Dublin, but it was now entirely distinct from it, and had a separate set of Commissioners. All that he asked the House to do, was simply that which the Government had attempted unsuccessfully to do in the last Session of Parliament. He thought he had been enabled to prove that the duties he had referred to were obsolete and levied unfairly. He believed the hon. Gentleman the Vice President of the Board of Trade had stated some intention of bringing forward a general measure during the present Session, but thought it might be fairly inferred that there was considerable doubt of such a measure passing during the present Session. He had been requested by the Dublin Chamber of Commerce to bring forward a Bill for the purpose of repealing those dues at once; and he had given notice for the first day of the Session of the measure which he now proposed to the House. Redress had been promised for years, but all general measures had failed. He, therefore, felt himself entitled to claim the support of the House.

Motion made, and Question proposed, "That this House will now resolve itself into a Committee to consider of a Bill to repeal certain Duties on Ships entering the Port of Dublin, and other imposts affecting its trade and commerce."

MR. LOWE said, under ordinary circumstances he should not have objected to the introduction of such a measure; but the circumstances of this case were so peculiar, that the Government felt it their duty not to allow the measure to move a single step in that House. He would briefly state to the House their reasons for that determination. The dues referred to amounted to about £3,000 a year, and they formed part of the Consolidated Fund. They were given to the Consolidated Fund as interest upon certain sums advanced by the Consolidated Fund for the purpose of making Kingstown Harbour. The Government of this country had spent £314,000 in those works, which undoubtedly were intended—whether they had succeeded in doing so or not was entirely beside the question—to improve the Harbour of Dublin. They had also, beside the other sum, paid off the debts upon the Corn Exchange, Dublin, out of the Consolidated Fund. For that, the Government had got those dues and some other small payments, which paid but a small rate of interest annually for those enormous advances. The proposition of the hon. Member for Dublin, who might be said to represent the debtors, was to cancel the debt altogether, and leave the Government without any equivalent or compensation whatever. That was a proposition so extraordinary, that he was bound to resist it *in limine*, and not allow it to go a single step. There was another thing still to be taken into account. The hon. Gentleman had stated that not only did the Government receive £3,000 from the tolls levied in Dublin, but that the Government paid £2,500 to the Dublin Ballast Board as compensation for differential dues which it might levy on foreign ships. The proposition of the hon. Gentleman, therefore, was, that although Dublin received £2,500, and paid £3,000 to Government, the House was to cancel the £3,000 which they paid, and leave untouched the £2,500 which they received. The hon. Gentleman had stated that he (Mr. Lowe) proposed to do the same thing in his Bill. He had done so, but it was as part of a system, and that which might be just if universally applied, would be the height of injustice in a particular case. The principle affirmed by that measure was that all dues on shipping, not applied to shipping purposes, should be abolished, and in following out that principle, the Government had been willing to forego those dues. By his Bill both payments would have been abolished. The hon. Member had opposed that Bill, but now he came forward to ask the House to confiscate the revenues of the Government in a particular case. He submitted to the House that, until they could deal with the matter as a whole on some definite principle, they ought not to deal with it at all; much less should they sanction the principle of defrauding the Imperial Government by giving hon. Gentlemen leave to introduce Bills in that House to cancel just debts.

Mr. GROGAN said, he had listened to the speech of the right hon. Gentleman with considerable surprise. The right hon. Gentleman contended that, because the Government had advanced a certain sum of money for the construction of a harbour or refuge at Kingstown, they were justified in continuing to levy upon the city of Dublin a duty amounting to £3,000 per annum. The right hon. Gentleman, however, had expressed himself as having been perfectly willing to abandon that charge in his measure of last year, and it seemed to him (Mr. Grogan) that the right hon. Gentleman was scarcely warranted in refusing to remedy a manifest injustice, because the House had thought proper to pronounce that measure an act of confiscation. The duty was one which operated most injuriously upon the trade of Dublin, and in order to prove that such was the case, he should enter into a few details connected with the subject. Any foreign vessel might go into the harbour of refuge in Kingston and pay no toll, whereas if she proceeded to Dublin she was liable to a charge of 4*d.* per ton; and he should like to know how it could be said that it would be just to continue that charge, because a large sum of money had been spent upon the harbour. The next duty was one of 2*s.* upon entries inward in the Custom House, and with the permission of the House he would call their attention to a few instances, in order to show the practical working of the tax. Its aggregate amount was £21 13*s.* upon the cargo of a vessel which arrived in Dublin from Oporto on the 31st of May, 1848; while in the case of the ship *Creole*, which entered that port from Cadiz in 1838, it amounted to £31 1*s.* 6*d.* A charge of £31 10*s.* was levied upon the cargo of the ship *Douglas*, which had reached Dublin on the 17th of February, 1845; while upon that of the *Old England*, which was chartered by a Dublin merchant, and which arrived in that city in 1848, laden with tea from China, a duty of £131 12*s.* was imposed. How was it possible, he would ask, that, under these circumstances, the trade of the port could increase? The consequence of the imposition of the duty, indeed, had been that the trading community of Dublin found it to their interest to have their goods brought from foreign countries to Liverpool and thence to tranship them to Ireland. They took that course because, although when Kingstown Harbour had originally been constructed, the duty had been made payable on all goods imported into Dublin, yet, owing to the influence exercised by important commercial interests in England, the charge upon the cross-channel trade had been subsequently abolished. Great injury to the port of Dublin had been the result, and he should, therefore, appeal from the right hon. Gentleman, who appeared to have been actuated by spleen in consequence of the two Members for Dublin having voted against his Bill of last year, to the noble Lord at the head of the Government, and beg of him to take the matter into his consideration, and to accede to the proposition of his hon. Friend near him, which, while it aimed at the abolition of certain duties, differed from the measure of last year in the circumstance that it left several other charges in the position in which they now stood.

The CHANCELLOR of the EXCHEQUER said, the two Members for Dublin, with that fraternal unanimity for which they were so distinguished, had proposed to the House the remission of certain local dues in which their constituencies were interested. They had founded their application on a principle to which he hoped the House would not accede. Objecting to a general measure which was laid before the House last Session, the effect of which would have been to include those duties within a general arrangement—objecting to the principle of that general arrangement, they came forward and selected certain duties which pressed peculiarly on the port of Dublin, and asked the House for leave to bring in a Bill for the remission of those duties, although they had by a previous arrangement, to which that House had been a party, been appropriated as security for the advances of public money previously made for the benefit of the Port of Dublin. Those dues had been transferred to the Government in consequence of the large advances of public money made for the improvement of the Port of Dublin and for the construction of the Harbour of Kingstown. Taking those duties as they exist, they afforded but a small interest upon the advances of public money which were then made. The arrangement was to be considered one of the nature of an advance of public money, for which those dues were assigned as the only security. Now, the hon. Member for Dublin proposed what could only be considered a simple act of repudiation of a debt due by Dublin to the public. He would not deny that in particular cases those dues might fall with hardship upon certain vessels and a portion of the trade of Dublin; but the same objection applied to numerous other duties in which the hon. Gentleman did not propose to interfere. He must object to a measure of this sort coming singly, when not only that particular case, but the whole system would be dealt with by the Government. For those reasons he felt it his duty to resist the Motion for the Speaker leaving the chair. No benefit would arise from the House going into Committee to consider the measure. They knew what the measure was, and what was the object sought. It was simply the repeal of duties levied.

Colonel FRENCH observed, that it was unusual to refuse a Member leave to introduce a measure, and it was unfair that the first instance of refusal this Session should be in the case of an Irish measure—a measure for the relief of Irish trade. Several measures had been already allowed to be brought in, though it was announced that they were not to be allowed to proceed; amongst others that of the Judgements Execution Bill, to which the great majority of the Irish Members were so strongly opposed. He trusted the noble Lord at the head of the Government would accord the permission for the introduction of the Bill, which had been refused by the hon. Gentleman the Vice-President of the Board of Trade. If this were not done, he would attribute it to the intention of the Government to deal with Ireland exceptionally. The Harbour of Kingstown was as much for the benefit of the trade of the empire at large as the breakwater at Plymouth, and the trade of Dublin should not be left to bear the whole burden of it.

Viscount PALMERSTON: I am afraid I cannot comply with the appeal made to me by the hon. Member. So far from the Government wishing to make Ireland an exception, it is the hon. Member for Dublin who wishes to deal with Ireland in an exceptional manner. I am willing, however, to make a compromise with the hon. Gentleman (Mr. Vance), and if he will engage to support the Government in a general measure on passing tolls, I will pledge myself to include these Irish tolls in a general measure. We do not wish to make Ireland an exception in legislating on this subject, but the object of the hon. Gentleman is to repeal a particular duty applicable to Dublin, leaving the same duties leviable upon other parts of the kingdom. I should be glad to assist the representatives for Ireland individually and personally in assisting the commerce of Dublin, but public duty is paramount to private considerations, and I cannot, therefore, give my consent to the Motion.

Lord CLAUD HAMILTON said, he wished to remind the Government that they would not be pledged to vote for this Bill if they consented to its introduction, and that it was very rare for the Government to refuse to an hon. Gentleman the courtesy of allowing him to bring in a Bill. Was it that the Government knew the case of Dublin to be so strong that they dreaded its disclosure, and feared that a sense of duty would induce hon. Members to pass the Bill? They were told the Government had an enormous majority in the present House; but he hoped the House would not allow itself to be dictated to in this manner by the Treasury bench. He wished the House to understand, that all his hon. Friend (Mr. Vance) asked was, simply an opportunity to do that which, by a technical rule of the House, he was prevented from doing. All he asked was, permission to state his case. He trusted hon. Members on both sides of the House would exercise their own plain sense, by expressing their opinion that the House should hear his hon. Friend state his case.

Mr. VANCE said, that the noble Lord had been kind enough to make him an offer; he would now make the noble Lord an offer in return. If he would allow him (Mr. Vance) to introduce his measure, and the hon. Gentleman the Vice-President of the Board of Trade, afterwards brought in a general measure, he (Mr. Vance) had no objection to postpone any further consideration of his Bill. It was for fear that no general measure would be brought in and carried, that the merchants of Dublin had entrusted him with that Bill. He thought the merits of the case so great, and the arguments by which it had been met so weak, that if permission was not given to introduce the Bill, he should feel it his duty to divide the House.

Mr. DISRAELI: I think that the position of my hon. Friend has not been correctly appreciated by the noble Lord at the head of the Government. I give no opinion upon the merits of the case which my hon. Friend has brought under the notice of the House, but he wishes to bring in a Bill upon a subject on which the Government in the late Parliament introduced unsuccessfully a comprehensive measure. If my hon. Friend, in wishing to introduce a Bill to meet a particular grievance, were met by the assurance on the part of the Government that, while they opposed the proposition, they were prepared to legislate in the new Parliament upon the general question, then the resistance of the Government to the proposition would be a fair and plausible opposition; but, as we do not collect that the Government intend to bring in a measure relative to these dues in the present Session, and as we have not heard that even next Session they intend to deal with the subject, are we to come to the conclusion that, because the Government were defeated in a defunct Parliament in a comprehensive measure that, therefore, they will allow no hon. Gentleman, whose constituents are affected by these duties, to obtain redress for the grievance? I do not believe that either the Government or the House will maintain a proposition so unjust. If the Government will pledge itself that, either in this or the next Session it will deal with this subject by a general measure, then that will be a ground for dissuading my hon. Friend from attempting to obtain redress at the present moment. The House will observe that I give no opinion upon the merits of the case. I make these observations without considering myself bound to support my hon. Friend's Bill when it may be introduced; but I cannot sanction the course which the Government have taken, because I think it extremely harsh and unjust, contrary to the practice and injurious to the privileges of Parliament. I hope the noble Lord will reconsider the question, and that my hon. Friend will be allowed to submit his Bill for the consideration of the House.

Mr. LOWE wished to say a word in explanation. He had already stated this Session in answer to a question, that a Bill such as had been alluded to by the right hon. Gentleman had been prepared, and would be introduced as soon as the state of public business permitted.

Mr. HORSFALL wished to ask a question, upon the answer to which his vote would depend. It had been stated that these dues had been pledged by the city of Dublin to the Government in repayment of certain sums of money advanced by the Government. If so, he did think that the House would be guilty of an act of repudiation by consenting to remit these duties, and he should vote against the Motion.

The CHANCELLOR of the EXCHEQUER said, that the hon. Member had correctly stated the facts.

Question put.

The House *divided*:—Ayes 133; Noes 253: Majority 120.

MAYNOOTH COLLEGE.

COMMITTEE MOVED FOR.

Mr. SPOONER rose, and presented fifty petitions, from Glasgow, the General Assembly of Scotland, Greenock, and Edinburgh, praying for the abolition of the grant to the College of Maynooth.

Mr. C. Bruce, Mr. Bentinck, and Mr. *Lord Claud Hamilton*

COWAN, presented petitions to the same effect.

MR. SPOONER:* I crave the kind indulgence of the House whilst I endeavour, to the best of my ability, to state the reasons which induce me to ask it to go into Committee on the acts for the endowment of Maynooth, with a view to their repeal.

But first, Sir, I would assure those hon. Gentlemen who are of the Roman Catholic faith that I have no ground of quarrel with them at all. I attack no individual opinion; I respect individual opinion; and as a Protestant I would do all I could to assert the right and maintain the privilege of private judgment. I believe that many Roman Catholics, both in this House and out of it, and with whom I am on terms of intimacy, give me full credit for the sincerity with which I now declare that I am actuated by no individual dislike to Roman Catholics themselves; that I am actuated by no wish to curtail their privileges, or dictate to them what religion they shall follow, or in any way whatever to interfere with the full and free exercise of religious opinions, which every man has a right to exercise and maintain, within the due bounds of law and morality.

Having said thus much, I must request the House to believe that I have no personal motive to serve in bringing this subject forward. I have no ambitious purpose to satisfy. I can safely say, that it is a very painful task which I have undertaken, and that an imperative sense of duty alone compels me to undertake it. I do not pretend to hide from the House that there are several hon. Friends, with whom I am in the habit of acting, as well as those with whom I do not act, who would be much better pleased if I had not brought this Motion forward. I can assure them that nothing but the conviction that I should have otherwise deserted a most bounden duty compels me to bring forward a subject without the cordial support of those with whom I generally act. But I will not, I cannot, sacrifice what I believe to be my duty, even that I may receive cheers such as I have just heard. And I wish here to allude to another point.

I have been accused, and in no very courteous terms, by the hon. Member for Sheffield (Mr. Roebuck), whom I do not now see in his place, of venturing to lay down my own opinion as the test of truth to be followed by others. I may refer to the language used by the hon. and learned Member, as, although it was uttered in February last, it has passed into the records of Parliament. I am anxious to notice this accusation now, as at the termination of the last debate on this subject, I had not an opportunity of doing so.

The hon. and learned gentleman not only accused me of venturing to lay down my own opinion as the rule for others, but he said that I was bigoted to my own opinions: and he asked me, rather sneeringly, what I supposed there was, either in my intellect or position, justifying me in setting myself up as a dictator as to truth.

The hon. and learned Member mistook my argument. I then expressed no mere opinion of my own. I did not ground my accusation against the College of Maynooth on any of my own opinions; I grounded them on the Articles and Rubric of the Church of England, of which he professes to be a member. I certainly have used no arguments whatever except those founded on the principles of the Church of England, and on the Oath taken by the Sovereign. That was the ground which I took then, and which I intend to take now. But knowing that hon. Members may get up and make assertions to which I should not have an opportunity of adverting in reply, and to which the House might not be in a temper to listen, I will proceed to anticipate some of the objections with which I may be met on the present occasion.

The object I have in view, in bringing this matter before the House, is to show, that Parliament is at the present moment paying for the teaching of doctrines hostile to the Protestant Constitution—hostile to the principles of civil and religious liberty—destructive of true morality—and completely antagonistic to the doctrines of the Established Church, and which the Sovereign is bound by oath to maintain; and which we are by the oath of allegiance sworn to enable her, to the best of our power, to maintain. It is perfectly unjust that we should be called upon to pay for the teachings of doctrines antagonistic to that Church which the Sovereign is bound by her solemn oath to uphold.

What is it, Sir, that the Sovereign is bound to maintain? I will read shortly the 31st Article on "The Sacrifice of Masses." ["Oh!" *from the Ministerial benches.*] I do not know what that exclamation means. Do hon. Members mean to say that this does not form a legitimate ground of argument? Do they mean to say that if the Church lays down a certain doctrine we are to pay Roman Catholic Priests for teaching a perfectly antagonistic doctrine?

The Article of the Church is this—"The Sacrifice of Masses, in the which it was commonly said, that the priest did offer Christ for the quick and dead to have remission of pain or guilt, were blasphemous fables and dangerous deceits." The doctrine of the mass is clearly upheld and supported in the College of Maynooth; Parliament, therefore, by supporting that College, is aiding to teach "blasphemous fables and dangerous deceits." What says the Rubric of the Church? Many of my opponents are known as mighty sticklers for the Rubric. It declares, (after the Communion Service,) "The Sacramental bread and wine remain still in their very natural substance. They therefore may not be adored, for that were Idolatry to be abhorred of all faithful Christians." By the missal or prayer book of Roman Catholics they are taught to adore the bread and wine, and they are therefore doing that which the Rubric declares is "idolatry to be abhorred of all true Christians." I ask those who support our Rubric, how they can contribute to that "idolatry?" That, Sir, is the first ground on which I hold the justice of repealing this grant. Three times has this House declared by a majority in favour of my proposition. [Colonel FRENCH: In the last Parliament.] Certainly, in the last Parliament; and I hope that that which the last Parliament deliberately considered, if it did not determine, will have some weight and influence on those hon. Gentlemen who form the present Parliament; for not any one of the charges I brought forward was disproved, not a single quotation I used received a contradiction. They were all assented to, and were even confirmed by the evidence taken before the Commission of Inquiry, in 1855. And what, Sir, is the oath of the Sovereign? Some hon. Members may not know how solemn an oath it is. The Sovereign is asked, "Will you, to the utmost of your power, maintain the laws of God, the true profession of the Gospel, and the Protestant reformed religion, as established by law?" To which the Sovereign's answer was, "All these I solemnly swear to maintain." That is the form of oath; and I ask whether it is consistent in a House of Commons, representing a great nation, to require from the Sovereign a solemn oath, and then ask the consent of the Crown to money grants in order to bring up and educate a priesthood in the College of Maynooth, who are to teach the people the exact contrary of that oath—to teach, also, that it is a duty to put down the Established Church, and that all who belong to the Established Church, and others who are true Protestants, are heretics, and ought to be punished? I repeat, that the oath taken by the Sovereign is inconsistent with the teaching of Maynooth.

The next point is the supposed "Parliamentary compact." A great many hon. Members, for whom I entertain a high respect, who totally disagree with the teaching and doctrines held at Maynooth, would be glad to see the College done away with, but consider themselves to be met with the difficulty of the Parliamentary compact. Where is that compact? Up to 1845, no one can maintain that there was one. I do not think, moreover, that by any construction could any compact be inferred from the articles of the Union. Those articles alluded to certain medical and other charities, and limited the extension of assistance to twenty years. I very much question if Maynooth could properly be included at all under the category. But I will give you that point. It was an annual grant, continually subject to the will of Parliament, and was not at first meant for the education of Priests only, but to help the Roman Catholics to build and support a College, in order to prevent the foreign education of their priests, so that these persons might be brought up in their own way in Ireland. This, by the way, I would observe, was a great mistake.

Any departure from sound principle for the sake of expediency, no matter how plausible the arguments in favour of such a course, was always sure to end badly, and the nation was sure to suffer the consequences of wrong-doing. In this instance, however, no compact could be said to exist, when it was every year within the power of Parliament to say "Aye" or "No" as to the continuance of the grant. But then, it was said the compact began in 1845. Well, if it were contended that an Act of Parliament conferred a Parliamentary title, and that this title could in no shape or way be altered, all I can say is, that those hon. Gentlemen who voted the other night with the hon. Member for Cork, to abolish "ministers' money," by no means recognized such a principle.

And the compact as regards ministers' money, was a much stronger one than any agreement on the subject of Maynooth; for the former was a grant made in order to induce Protestant settlers to go over to Ireland, and to maintain their religion in that country; it was a grant in return for a consideration, and, as such, was a very different thing from a free gift. But what said Sir Robert Peel upon this question of compact? These were his words, in 1845:—

> "It is, I trust, conceived in a liberal and a confiding spirit. We have not introduced it without a communication with the leading members of the Roman Catholic Church, but it has not been a subject of stipulation or of contract with them."

These were the motives which influenced the statesman who induced Parliament to pass the measure of 1845, and who said distinctly that it was a free gift, made without any sort of stipulation or compact. I will quote another authority on this point—that of the noble Lord the Member for the City of London—who said—

> "I do not mean to argue the question of compact; but if you found that there was ground sufficient to refuse the grant, ... then I can see no valid reason why any compact should restrain you from so doing."

This, I think, disposes of the argument that a compact existed. I should be the last to countenance any breach of faith; but as I understand them, the Roman Catholic Members in this House did not rest their case upon any such ground.

I now come to the question of the public code of social morals taught at Maynooth; and I beg the hon. Members to listen, for I shall show that those morals were not taken merely from old musty books, seldom lifted from the shelves, but were contained in new publications, recognized by the highest possible authority. What said Scavini upon social morals? I must first, however, tell you who Scavini is. He is, I believe, a living authority. The work quoted was *Theologia Moralis Universa, Pio IX., Pontifici Maximo, dicata; Paris*, 1853. And the present Pope had condescended to write a commendatory letter to Scavini himself, extolling his work; and specially so, because he so closely followed "the salutary doctrines of the most holy and most learned Alphonsus Maria Liguori." Now, that is no "musty volume." The works of this writer are introduced to supersede those of Bailly, and are at present made use of by the students at Maynooth.

In vol. ii., page 234, this passage occurs—

> "What are we to think as to a fictitious promissory oath? Ans. Anything may be fictitiously promised in three ways: either, first, without the mind to swear; or secondly, without the mind to be bound; or thirdly, without the mind to fulfil."

Scavini then lays down, that he who evades the truth in the first manner, sins, and he refers to a proposition of this kind, condemned by Innocent IX.; but he says that "All the doctors teach that he sins only venially." He then adds—

> "He who promises any thing with an oath, without the mind of being bound by his oath, the doctors commonly teach, sins grievously, since it appears to be a grave irreverence to call God to witness, and to be unwilling to be bound by His testimony. But there are who teach this to be only a venial sin, and that indeed very probably, for without the intention of binding himself, there is no oath, and therefore he cannot violate the oath; and, therefore, there has only been a vain use of the name of God."

And in a note at the foot of page 235, Scavini adds—

> "Indeed, this is more probable, because, in swearing, he is not bound to observe his oath, as well because from his words it is invalid, as also because God did not accept his promissory oath except according to the intention of the person swearing."

Can we wonder, then, that juries give improper verdicts, or refuse to find any verdicts at all, when we ourselves pay priests to teach the doctrine that a man might call God to witness and be guilty of no sin if he broke his oath, having at the time a secret intention in his mind not to keep it? I beg hon. Members to lay aside their prejudices, for I am sure if they would do so, and would exercise their independent judgment on this question, they would not be prepared to follow the noble Viscount, who is now in the ascendant into the commission of so vile a sin as the active sanctioning of these doctrines.

But now for a little more of Scavini, the Pope's special divine. He deals largely in quotations from that great saint and high authority, Liguori, *Theologia Moralis*, Book iii., No 172, &c.; and who states, in that Book at No. 151, that to

> "Swear with equivocation when there is a just cause, and equivocation itself is lawful, is not a bad thing; but if truly it be done without a just cause it is not necessarily perjury, since, according to one sense of the word, or according to his mental reservation, he might swear to what was true; yet such swearing would be of its own nature a mortal sin against religion."

All depended, evidently, upon what was a just cause; and Liguori very distinctly explained what was a "just cause;"

his answer being "any honest end for the preservation of good things for the spirit or useful things for the body." That was a "just cause" which authorized false swearing and made the breaking of an oath no sin against religion, and in no way punishable!

Liguori proceeds—

> "But whether it is a mortal sin to swear with amphibology, or not purely mental restriction, and without a just cause?"

He then quotes Sanches, &c., who says it is not mortal—

> "The reason of this more probable opinion is, that in such an oath already truth and justice are present, and only judgment and discretion are wanting, which defect is only a venial sin. Neither does what Viva says oppose this view, namely, that a person swearing in such a manner invokes God to witness a falsehood, for in very deed he invokes God to witness what is true, according to his own sense, though he allows, for a just cause, another person, through his own carelessness or inadvertence, to be deceived."

Will hon. Members suffer such a system to continue? Will they make themselves partakers in that iniquity by contributing money to propagate such doctrine among the ignorant people of Ireland or anywhere? I trust that they will not look upon this as a trifling matter, or as a party question. I have no party views in the affair, as is perfectly clear from the state of the benches on this side of the House. But although this is no party subject, and although I have been opposed by a powerful Ministry on one side, and by a dead and defunct Ministry, hoping to be resuscitated, on the other side, I have thrice, in the last Parliament, obtained the vote of the majority of the House in favour of my proposition. There must therefore, I contend, be something of vital importance in the question, which appeals to the feelings of independent men, when in spite of these adverse circumstances I could succeed in obtaining such a result as I have adverted to. I appeal to this Christian assembly whether this is a system which this great Protestant nation should continue to uphold, whether it is a system which ought longer to enjoy the countenance of Parliament and the support of Ministers? I am satisfied that if you will lay aside your prejudices and view the question as unconnected with politics, there is not one of you who would endeavour to justify such a system. And yet the Sovereign of this country is actually coerced into sanctioning the teaching of these abominable doctrines. The consequences of such a system are not yet half developed. There is something looming in the future to which I will yet call the noble Viscount's earnest attention; for I believe that it will be realized in a way which is little imagined.

Now, let hon. Members understand what are the notions of Scavini with respect to family morals, and let them then say if they would like the following doctrine to be acted upon by their clerks and servants—

> "You ask whether it may be permitted to servants, that they should secretly compensate themselves from their masters' goods upon pretence that their masters have not given them sufficient? A. I say generally speaking they are not (quoting a proposition condemned by Pope Innocent XI.); but we say generally speaking, for the Salamanca doctors teach two things relating to this opinion of Pope Innocent; . . . one, that the pontifical decree was not meant to bind servants contrary to justice."

Then, in a note—

> "Hence, if a servant be compelled by necessity to agree for a small sum (insufficient price), he may compensate himself up to the lowest price (paid to other servants).
>
> "A second teaching of the Salamanca school is, that if a servant, of his own choice, augments his work, he can make himself no amends; . . . . but if he adds to his stipulated work by the expressed or tacit consent of his master, compensation will be due, for the labourer is worthy of his reward."

Then, in a note, he continues—

> "But you say, is every one to judge for himself as to the justice or injustice of his stipend as compared with other servants similarly employed? The Salamancas hold that of himself the servant himself may so judge, and according to his own conscience compensate himself for his work. And this appears to us (Scavini) sufficiently probable; provided the servant be prudent, modest, judicious, correct, &c., which rarely happens."

Then he refers to Liguori on the subject, B. iii., No. 522. Liguori says, 521, n. 2—

> "Compensation should be regularly sought by an appeal to law; but to omit this is only a venial sin, nay, it is no sin (citing authorities) if hostilities, expenses, and other similar evils are dreaded."

Let the House remember that Professor Furlong, of Maynooth, second part of Report, 1855, p. 91, and Professor Neville, p. 51, both mention Liguori as an authority at Maynooth.

Is this the morality for the teaching of which, among ignorant classes completely subject to the priesthood, any Christian assembly ought to pay? And this, let it be remarked, is in no ancient book, but in one recently introduced (see Appendix B).

I have almost done with quotations on

this point. I could yet furnish an abundance more of them, but I give what I have submitted to the House as samples only, and any hon. Gentleman who would take half as much pains in examining these books as I and an hon. Friend of mine who assisted me in the translations have done, will soon see that the samples, fair and not garbled, which I have adduced, form but a very small portion of the large mass of this most abominable teaching which is carried on.

Well, we now come to the power of the Pope, and first of all I will quote the evidence of the Rev. James O'Kane, the junior dean of Maynooth, as given before the Commission. He is asked :—

> "Question (241).—Have you reason to suppose that the students are in the habit of reading books . . . . conflicting with that doctrine (of the Pope having no temporal or deposing power) ?—A. I have no reason to suppose that they do so, except controversial works, as Bellarmine, for instance ; of course they are in the habit of reading these."

Now I remember the noble Lord at the head of the Government reminded us upon a former occasion that in our classical studies we used necessarily to read many things that were objectionable, and so he would have us excuse the peculiar teachings of Maynooth. But, mark, these abominable doctrines are not casually put forward, but they come before the students in their works on controversy, which all must read and study. The works of Bellarmine are not read for their language merely. Bellarmine, as my hon. Friend the Member for Dundalk (Mr. Bowyer) knows, is a great authority with his Church, and was the champion of Rome at the time of the Reformation. Now what does he say as to the power of the Pope : —(*Bellarmine de Rom. Pont.* lib. vi., cap. 6, *Venice*, 1599.)

> "The Pope, as Pope, cannot ordinarily establish civil laws or annul them, but he can do all this in the case where a civil law is necessary to the salvation of souls, and kings are not willing to make such a law ; or where other laws are established hurtful to the salvation of souls, and kings are unwilling to repeal them."

But, it may be said, what care we about such doctrines, they can have no effect here ? Now, I tell you that they have effect here, and that you are suffering men to go about with all the authority which their Church gives them, propagating this amongst an ignorant and superstitious people. This is a doctrine which is taught at Maynooth, at the expense of the people of this country, and I would warn you that the time may come when you may be told, "You cannot complain of the deposition of your Sovereign, because you have paid for teaching that the power of deposition is inherent in the Pope."

I am sorry to say these doctrines are but little known amongst Protestants as being taught at their expense ; if they were, my task would be comparatively easy. I will, therefore, continue my extracts, and here is what Bellarmine says as to the power of the Pope over princes :—

> "Ordinarily the Pope, as Pope, cannot depose princes, &c., but he can change (the rulers of) kingdoms—can take a kingdom from one king and give it to another, as the chief spiritual prince, if it be necessary to the salvation of souls. Where the matter of law endangers the salvation of souls the Imperial law may be abrogated by the Papal law."—[*Bell.*, tom. i. p. 889.)

Well, will you subscribe to that doctrine ? and yet remember that you are paying for its inculcation ? You find fault occasionally with the people for obeying the teaching of the priests, but you have no right to do so, for it is you who pay the priests who teach them. Now a word as to what may be termed "a just cause." Bellarmine continues :—

> "It is not lawful to Christians to tolerate an infidel or heretical king, if he endeavours to draw away his subjects to his own heresy or infidelity ; but it belongs to the Pope to judge as to this, to whom is committed the care of religion. Therefore, it also belongs to the Pope to judge whether the sovereign is to be deposed or not. . . . . And if such princes attempt to turn their people from the faith, they may, by the consent of all, and ought to be deprived of their dominion.

Now, let us not forget that our Sovereign is, in their view, a heretic. By-and-bye, no doubt, we shall hear something about "material" heresies and "formal," and other nice Jesuitical quibbles ; but, be that as it may, we are told plainly enough what are the consequences of endeavouring to pervert the subjects of this realm to "heresy." Now surely the noble Lord will allow that the time has come for putting a stop to the propagation of such doctrines.

The majority of us are all heretics in Rome's esteem ; and if we have not as yet been punished, it is because we are powerful. Prudence in dealing with the strong and powerful is enjoined by Rome on her agents ; but where they are merely confronted by the weak and powerless, energy and despatch are to be the rule. The Pope, according to the doctrines here disclosed, may cause one of his vassals to send over an army to assist the Roman Catholics of this country in a struggle against the authority of the Crown. Again, here is further evidence as to the power of the Pope according to the teaching at Maynooth. Dr. Moriarty, a gentleman well known, then president of All Hallowes College, Drumcondra, is asked:—

> "Are there no circumstances under which the Pope could release a citizen from his oath of allegiance?—A. Most emphatically I say, none. But as our greatest constitutional lawyers, and, as I think, our best theologians, hold that there are cases when the allegiance of the subject ceases, and when the Government of a country may be justly overthrown, I consider that the Pope is the fittest authority to decide in many cases whether such circumstances have arisen."

The Pope, therefore, was to have the power of deciding whether any differences of opinion which might arise between a sovereign and his people, justified his subjects in violating their allegiance. Dr. Moriarty further said:—

> "In many cases he (the Pope) could not decide, and I firmly believe that in such cases he would not undertake to do so. In no case can he cause the allegiance of a subject to cease, his power in such a matter being simply declaratory, not enabling."

The examination of Dr. Moriarty proceeded:—

> "But he (the Pope) would have removed the obligation from the conscience?—A. He would declare it removed by circumstances.
>
> "But it would have the effect of removing the obligation from the conscience, would it not?—A. No; he merely decides and declares that it is removed, and thus he may enlighten a conscience which was in error, which erroneously judged itself under an obligation that had ceased to exist."
>
> "With whom does the responsibility rest? Is the responsibility of disobeying removed from the party by virtue of the opinion expressed by the superior authority?—A. Were we to consult the Holy See upon our allegiance or obedience to our temporal Sovereign, and that an answer were given us, it ought to satisfy the consciences of Catholics, considering the maturity with which the Holy See proceeds, and considering, also, that we know it to be an authority divinely appointed and divinely assisted for our guidance in the way of salvation, and consequently in the path of duty.
>
> "Does not that leave the question of the allegiance of all the subjects of the world to their several sovereigns entirely dependent upon the opinions that may be pronounced by the Pope from time to time?"

And now see how this Jesuit evades the question:—

> "I think it would be well for the sovereigns and the subjects of the world that the matter were left to the Pope; but it seems to me that this opinion leaves allegiance no more dependent on the Pope, than Protestant theology leaves it dependent on individual conscience."

True, yet the decision or consultation of individuals in a nation, all responsible for their decisions, is one thing; but the dogmas of a foreign Prince thus interfering in our concerns is another thing—is intolerable. The question is, who rules the Roman Catholics here, the Pope or the Queen?

Yet, with these answers before them, the Commissioners came to the notable resolution, that they did not find from the evidence, that the Roman Catholic doctrines had a tendency to destroy or weaken the allegiance of subjects to the Crown!

There is another very important question, and there is a great deal more in it than appears at first sight to a superficial observer—that is, the question of teaching with respect to marriage. This is the doctrine which Scavini laid down on that subject, vol. iv., p. 378:—

In those places where the Council of Trent is published—which applied to Ireland, for it was published there—"every marriage entered into otherwise than in the presence of a priest,"—a Romish priest being meant, of course,—"and two or three witnesses, is null and void." As see the words of the Council, in its Decree, Session 24, cap. 1:—

> "Those who shall attempt to contract marriage otherwise (than as above), them doth the Holy Synod render incapable of thus contracting, and declares such contracts void and null."

The House is, therefore, in point of fact, sanctioning the expenditure of the public money in teaching that the Queen is illegitimate, for, according to the doctrine there laid down and inculcated by the Romish Church, her parents were not married, and it follows, also, that she herself is not married, in a valid sense. It is important to bear in mind, that Parliament is now paying for the dissemination of that doctrine, the danger of which cannot be overrated, should any contest ever arise about the succession to the throne. Again, according to Dr. O'Hanlon, Bailly held a different doctrine from that of Scavini, and one very distasteful to the Pope of Rome—namely, the separability of the contract of marriage from the sacrament; but Bailly's book, in which that doctrine was laid down, is now prohibited from being taught at Maynooth, while that of Scavini, who inculcated an opposite one, is allowed; so that the result is, that the Pope, "as Pope," has formally laid down, at Maynooth, the maxim, that no marriage among Christians can be valid, unless it is celebrated as a sacrament. Here, again, the doctrine, which Parliament pays for teaching, is that the marriage of our Most Gracious Sovereign is not a valid marriage, and, therefore, according to the teaching of the Roman Catholic Church, all the consequences must attach to it that result from a marriage that is not valid.

The time may come—God grant it may not!—when disputes might arise in reference to the Act of Settlement of William III.; for I may remind the House that Mr. Burke, the well-known writer on the Peerage, &c., in his *Royal Families of England, Scotland, and Wales*, vol. ii., p. 27, demonstrates that though there are no descendants of James II., there are descendants in the female line of Charles I. Once establish that fact, and once admit the truth of the doctrines on marriage now taught at Maynooth, and such descendants of Charles I. will no longer be *hors de combat* as respects any pretensions they may have to the throne of this realm. The present Duke of Modena, Francis V., is a nearer claimant of the throne than Her Most Gracious Majesty, barring the Act of Settlement of Will. III. and her Protestant oath. I therefore warn the House how they continue to sanction such dangerous delusions.

On the same subject of marriage, the Rev. H. Neville, a Maynooth Professor, states (p. 407, part ii.), in answer to the question—

> "Is it taught at Maynooth, that a man who enters into a marriage contract, which is valid by the law of the land, but invalid by the law of the Roman Catholic Church, may, on that account, abandon the woman, and contract marriage with another woman?—A. The man in the case proposed is free to abandon the woman, and contract marriage with another, as far as any obligation from the ecclesiastical contract is concerned."

And we know that whatever be the civil "inconveniences," the ecclesiastical effects are paramount with Romanists.

I now come to another point, touching the light in which heretics and schismatics are viewed by the Romish Church.

Every Member of this House who is not a member of the Romish Church, is, in the estimation of that Church, a heretic; and subject to the denunciations laid down in the book from which I am quoting. This celebrated author, Devoti, takes great pains to show that none are to be tolerated who dissent from that Church. Let the friends of civil and religious liberty bear this in mind. Give that Church the power, and it will soon be seen what are its notions of civil and religious liberty. In the College of Maynooth, the doctrine that heretics and schismatics are to be punished is now taught; and Parliament itself is sanctioning the expenditure of public money in teaching that doctrine. I contend, therefore, that the time has come when Parliament ought to tell the Roman Catholic priesthood that if they continue to teach such doctrines to the people of their communion they will do it at their own cost, and their own risk and responsibility.

Devoti, in this *Institutionum Canonicarum*, lays down the most intolerant doctrines.

This book has been adopted by the College, and is returned in the Report of Evidence, 1826; and has lately been put forth in a new edition—the one now quoted. As regards the punishment of heretics, the author of this work says (vol. ii. p. 259)—

> "Many punishments are appointed for heretics in both the civil and ecclesiastical laws. By the civil laws are decreed infamy and the prohibition to devise property or receive any donation of property. Especially their goods are confiscated and their money, and similar punishments are inflicted. Moreover the Roman law punishes certain heretics with death." (Vol. ii., pp. 264 and 271), "To schismatics who separate from the universal Church the same punishments are awarded as to heretics. . . . . . None are to be tolerated who dissent from the truth. . . . . . But the prince placed over the civil state ought to coerce, and with punishments to expel the enemies of the Catholic religion. . . . . . Wherefore when any one is adjudged by the Church to be an enemy of true religion, the prince should endeavour by all means to remove the moral contagion by which the whole State may be corrupted. . . . . . But if the fear of great evil and danger should not allow him (the prince), to expel heretics and the like, from the city or State, the law of necessity must be obeyed. Then heretics must remain in the city or State, if they cannot be expelled."

The doctrine is, that all who are baptized are subject to the Romish Church—that there is truly but this one Church, and consequently the very moment that we separate from that Church we become heretics, and are subject to the denunciations above laid down. We, having dissented from the doctrines of the Romish Church, are not to be tolerated—we must suffer the pains and penalties of heretics. Give the Church of Rome but that power which she is every day aiming at, and you will soon see, to your cost, what her notions of civil and religious liberty are. And recollect that, by endowing this College, you are, in effect, teaching those doctrines respecting heretics and schismatics to which I have just referred. These are books which, with your money, you are contributing to teach. And yet you assume the character of defenders and supporters of civil and religious liberty. [*A laugh.*] Some hon. Members may attempt to ridicule these facts; but it ought to be made the subject of serious reflection by the Members of the Government, who are participators in the sin arising from the teaching of doctrines which are subversive of all order and propriety, and of the civil and religious liberties of this country.

Bellarmine also teaches as to the extirpation of heretics—

> "When, therefore, our Lord prohibits us to extirpate all the wicked, he does not prohibit that individuals should be slain. If, indeed, it can be done, they (heretics) ought undoubtedly to be extirpated; but if they are stronger than we, and there is danger if we attack them in war that more of us would fall than of them, then are we to keep quiet." De Laicis, chap. 22. Appendix C.)

Here then are books whose doctrines you help to spread all over the country; justify this if you can!

There is a document actually before the House, to which I wish to call the noble Lord's attention. It is a document in the shape of a petition; not from any Protestant individual or body, but from a Roman Catholic gentleman. I do not mean to express any opinion whatever as to whether the statements made in it are true or not. That is a question which is yet to be tried. But observe the way in which the priests exercised their power at the last election, as described by this Roman Catholic gentleman. This, Sir, is a petition from Colonel Higgins, who was a Member of this House in the last Parliament. I did not myself know that gentleman intimately, but I always heard him spoken of as a man of great veracity, of highly honourable principles. Well, here are the allegations of Colonel Higgins, as set forth in this petition. He says—

> "The Roman Catholic clergy of the county of Mayo, previous to and during the late election, convened large meetings, at which, and in their chapels, they openly denounced your petitioner, and made the people believe that the electors and others would be advancing the glory of God, and saving their own souls from eternal damnation, and bringing blessings upon their own families, by voting for the present sitting Member for the county." . . . . . . "The said Roman Catholic clergy openly invoked the curses of the Almighty on all who should refuse to vote for the said sitting Member, and stated that the souls of those who voted against the sitting Member, or who declined to vote for him, would be consigned to eternal punishment hereafter; and that the said priests had acted at the election as tally agents."

Now, recollect, that these are the statements of a Roman Catholic gentleman, and who states that he is ready upon oath to produce witnesses to prove his statements.

Now, what does Professor O'Hanlon say, in effect, in his evidence, upon this subject of the interference of priests at elections? He says, "Oh, no, the priests have no right to interfere at elections"—then comes the "but"—"but the vote may be one that may occasion sin, and, therefore, although they have no right to interfere with the right of voting, yet if the vote occasion sin, they have a right to refuse to the sinning voter all the rites and sacraments of his Church." Now, I ask you, can you believe that the priests educated by such men as O'Hanlon, who go out amongst the voters, and who tell them that these are the doctrines of Maynooth, which England maintains with her money—which the Crown and Parliament sanctioned—can you, I say, doubt but that the voters will assent to them, and will implicitly believe what their priests tell them?

There is a gentleman who, by the negligence and non-performance of his duty by the Attorney General, assumes to himself a title which is directly contrary to the intentions of the law that was passed to prevent such pretensions. This gentleman assumes to himself the forbidden title of "Bishop of Liverpool." The following appears in a newspaper called *The Tablet*, which I believe is a special organ of the Roman Catholics of this country—

> "Diocese of Liverpool, May 9, 1857.—Laying the Foundation-stone of St. Peter's new Church, at Lancaster.—Referring to the maintenance of their civil privileges, the Bishop said, 'They must prove their rights, by standing up for them. The day had gone by when Catholics should bow their heads and live; but they must claim their rights, and have them. He considered that either bishops or priests degraded their position, when they appeared at the hustings, but when they had the right of voting he hoped they would always be found at the head of their people. [And here in the petition of Colonel Higgins, the House may see how they 'head their people.'] For 300 years they had been taken as they were described to be, but now they were beginning to be seen as they really were, and were found to be not quite so bad as they were represented.'" Rather, are they not much worse?

Now, these observations of the bishop remind me of the old story of a father's advice to his son, "Get money honestly if you can; but, if not honestly, get money at all events." The bishop advises them to stand up for their rights, and they should get them. [*Cries of* Hear, hear!] Oh! these cheers of hon. Members will be well understood—the public will understand them. I say to the Romanists, "You shall have your rights as loyal subjects, but you shall not have that domination you are contending for. You shall never be allowed to make your Church the dominant Church in the land." I have heard it said over and over again—and I was cheered when I challenged the fact—that you would never be content with what you were pleased to sneer at, toleration. [*Ironical cheers from the Roman Catholic Members.*] No! it is quite evident that your party will never be content until they have placed themselves on a level with the Established Church; and that only as a step to supplanting her entirely. That Church, however, calls upon the Sovereign to take care that you shall not stand on a level with it; nor supplant that Church. For every step we give you, you take three or four more without our leave. You have shown what your intentions are. You aim at supremacy, and you will use your utmost to gain your object. If that time should ever arrive, it is easy to conjecture the manner which Protestants would be dealt with. That treatment may be gleaned from the doctrines put forth by the priests to whom I have referred. ["Hear!" *from the Roman Catholic Members.*] I perceive that I am telling you too many home truths which you do not wish to hear. These truths, however, will be read in the organs of public opinion. I call upon this House and the Government to defend the integrity of the Protestant Church, for which our ancestors have fought and bled, and which you may rely upon it we shall never quietly surrender. I wish to tell the noble Lord (Viscount Palmerston), that this House has been and will be a party to those pernicious doctrines, if we continue to maintain with our money the Roman Catholic College of Maynooth. I say, further, that this endowment will furnish a reasonable excuse for the conduct of those persons, both priests and people, who are instructed in such pernicious principles. The seed you have sown at Maynooth is bearing abundant fruit; and I can give you a very recent instance of it. I find the following report in a Dublin newspaper, called *Saunders's News Letter*, which has been sent to me. It relates to the Rev. Mr. Bradby and his pretensions—

"CAVAN QUARTER SESSIONS.—NOVEL CASE.

Thomas Bradby v. *James Reilly*.

"This was an action, brought by the Roman Catholic Archdeacon of Kilmore, for recovery of dues and emoluments, claimed to be due by the defendant, according to the Roman Catholic Church.

"Mr. Swanzy, who was retained by the Rev. Mr. Bradby, said the present case was a most peculiar one, and he would say that it was the first one of the kind that had ever been tried before in Ireland. It was a claim made by the plaintiff to recover from the defendant the just and legitimate dues which the plaintiff considered he was entitled to by the usages and customs of the Roman Catholic Church.

"The Court: Mr. Swanzy, I should wish to know how you can sustain your claim in point of law?

"Mr. Swanzy: The recognition of it by usages and custom, in my opinion, legalises it. Usages and custom proved an implied contract.

"The Court: Do you rest your case upon usage and custom? I should like you to show me what legal obligation there is to pay it, and what sanction you have by law.

"Mr. Swanzy: I can give you no further proofs to be guided by than usage and custom.

"The Court: Usage and custom are not recognised by law; and even the tendering of the money would not establish your right.

"Mr. Swanzy: The claim is a just and righteous one.

"The Court: That may be. But the law says that the Rev. Thomas Bradby is there, teaching doctrines which are 'damnable and idolatrous.' Then will you expect the law to pay him for that? Even the late Prime Minister called the Roman Catholic religion the 'mummery of superstition.'

"Mr. Magauran: And yet the Government sanctions the teaching of such doctrines, because they give us the Maynooth Grant, and pay our clergy for teaching the Catholic religion in our workhouses and our gaols.

"After some other cross-firing,

"The Court decided that Archdeacon Bradby (the Priest) had no law upon his side to support him in his claim, and dismissed the process."—*Anglo-Celt.*

Doubtless, these arguments will be made use of in times perhaps not distant, in answer to your prosecutions for rebellion. The poor ignorant people will naturally say that they have been instructed by their priests to act in the way they have done—that they could not doubt the propriety of following their advice, because their priests were educated in these principles (as I have proved already), and maintained by the money of the State, and with the approbation of the Crown and the Parliament.

Remember, also, what are the necessary consequences of the debasing and destructive system of the Confessional, as practised by the Romish Church. Instead of uttering my own language upon this subject, I much prefer reminding you of the language used by the late Sir R. Peel, in regard to the practice of confession. [MR. ROEBUCK: What is the date?] I presume the question of the hon. and learned Gentleman is meant to imply, that Sir Robert Peel, after the delivery of the speech from which I propose to make an extract changed his opinion. Such was the fact, but Sir Robert changed his opinion more than once. When a Statesman of such eminence was found to have laid down certain principles, supporting them by powerful and convincing arguments, those who agreed with him were not bound to follow him in all his subsequent changes, and his words might fairly be quoted, even after he had altered his views. The speech in question was delivered at the time when the late Mr. Canning was at the head of the Government, and when the Duke of Wellington and Sir R. Peel were resisting the measure for the emancipation of the Roman Catholics, proposed by Mr. Canning.

Although I disagreed with the right hon. Baronet in his notions at that time, on the emancipation of the Roman Catholics, having been much influenced by the arguments and unrivalled eloquence of Mr. Canning, as well as those of my brother-in-law, the late Mr. Wilberforce, I have since been convinced that I made a great mistake in assenting to the principle of that measure. I now believe that that was a fatal step, for, having secured the right of sitting in the Legislature, the Roman Catholics have ever since been using, or rather abusing, their power, to gain for their Church a supremacy over the Protestant Church, contrary to their oaths most solemnly given. With the conviction that I committed a great mistake in respect to the measure of Catholic emancipation, I feel it is my imperative duty to use the position which a large constituency has given me, to do the best I can to remedy the evil to which I had been a party, and to take care that the Roman Catholics shall, if possible, be kept within such bounds as will prevent injury to the Crown and to the country.

The late Sir R. Peel said—and I concur in what he says—of confession:—

> "I will candidly and fairly admit that I entertain a distrust of the Roman Catholic priesthood; I object not to the Roman Catholics on account of their faith—on the contrary, I entertain towards them feelings of the highest respect. In private life I have never made any distinction between persons on account of their religion. Their doctrine of transubstantiation is, a matter of perfect indifference to me; but if they add to this doctrine a scheme of worldly policy of a marked character, I have a right to inquire into its nature, and to observe its effects upon mankind.
>
> "Can any one acquainted with the relations of society doubt for a moment that there is engrafted upon the Roman Catholic religion something more than a scheme to promote religion? There is in view the furtherance of means by which one may acquire power over his fellow-men. Can we know what the doctrines (and practice) of absolution, of confession, or of indulgences are, without feeling a suspicion that those doctrines are entertained for the purpose of establishing a power in favour of the priests over the hearts and minds of the people? I will leave it to hon. Members to judge, when a man has told all his sins and all his faults to another man, how soon he becomes the slave of that individual—a slave in the very worst sense of the term."

Yet that is the system taught in Maynooth—the doctrine and practice of confession, thus forcibly and truly described, is virtually being maintained by the money of the State, and the assent of Parliament. Well, I ask you whether such a system is to be continued? Depend upon it you will be called to account for this sooner or later.

I ask you to agree with me in voting for the resolution which I have the honour of moving, and which I have placed, Sir, in your hands:—

> "That this House do resolve itself into a Committee to consider the Acts for the Endowment of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights and interests."

That Resolution binds us to pay respect to vested rights and interests. But further than that I could not go.

You may tell me, that at the last election the Maynooth question formed but a small part of the discussion. I know it; but do not lay the flattering unction to your soul, that the Protestant people of this country have forgotten the principles or the object of this grant. The noble Lord opposite took care to go to the country with an appeal which Englishmen always respond to. He knew that his budget was objected to by a large party in this House. He thought it dangerous to go on with it, and, like an able Statesman as he is—having devoted his whole time to the country—he looked about for the best cry upon which to go to John Bull. He told him that his flag was insulted, and thus hoisted his flag against any other cry, "Palmerston and our Flag." That cry stopped every mouth, diverted every idea, except that of placing the noble Lord in the high position which he now fills, and from which I have no wish to depose him. I believe the noble Lord possesses talents above those of any other man in this House, and if he applies his great abilities and vast experience to maintain, unshaken and unbroken, the British constitution, to resist dangerous innovations while promoting real reforms, he will have no opposition from me. I would impress upon the Members of this House, who are not Roman Catholics, that they ought, as professing Protestant Christianity, at least to see the Bill which I intend to ask leave to introduce. I am prepared to show, by that Bill, that no injustice would be done, and that its only effect would be, to preserve the Protestant Christianity of the nation, and to satisfy the feelings of a Protestant people. I wish to say to Roman Catholics — "You shall enjoy all civil rights, all your religious privileges, but your Church shall not be allowed to obtain that supremacy which is the first object of its ambition;" and I also wish to show that the Protestant spirit is still alive—that the nation, if called upon, will soon respond in a manner that will enable, and I believe constrain, Parliament and the Government to maintain that which we and the Sovereign are alike bound by oath to maintain. I have thus endeavoured to discharge my duty, believing the doctrines taught at Maynooth to be antagonistic to the Holy Word of God; and that to teach such doctrines is a grievous national sin, and will, if persisted in, sooner or later, bring down the judgments of Almighty God upon this hitherto highly favoured nation.

Mr. **BENTINCK** seconded the Motion.

Motion made, and Question proposed, "That this House do resolve itself into a Committee to consider the Acts for the Endowment of the College of Maynooth, with a view to the withdrawal of any Endowment out of the Consolidated Fund, due regard being had to vested rights and interests."

General **THOMPSON** said, the arguments of the hon. Gentleman reduced themselves to a statement of his conviction —very sincere no doubt, but possibly not well founded—that when clashing sects put their contributions into the same box, his sect ought to prevent any other from taking anything out, because his sect was right and every other wrong. Was that, or was it not, the pith of the argument which the hon. Gentleman had propounded to the House? He would invite hon. Gentlemen who had any hesitation on this subject, to consider the effect if the circumstances were reversed, and the case arose of a Protestant interest in France or Sardinia struggling for a portion of the money which they themselves, out of their own pockets, had contributed. Did any man doubt that the Roman Catholics had contributed to the public fund out of which the Maynooth grant came? If so, let him state the reason why. Did any man doubt that, if the case existed which he had put, the Protestants in those continental countries would feel the injustice of being told that they were not to have a portion of the money, because the Catholic religion was the only true one? If the question were put to sects in general, there was not one which would not declare itself the only right one. He would leave the consideration of the question of mortal and venial sins to those better able to do it justice. "Between two horses, which doth bear him best, he had, perhaps, some shallow spirit of judgment;" but on the knotty distinctions to which the hon. Member had referred, his care should be confined to keeping himself as clear as he could of either.

Mr. **SCHOLEFIELD** — who had on the paper an Amendment to the Motion, to add the words, "and to consider the expediency of withdrawing all further grants of public money for religious purposes in Ireland"—said that, seeing the feeling of the House was anxious to proceed at once to a division, he would not press his Amendment, although he would have been glad of an opportunity to make a few observations upon this subject.

Mr. **GILPIN**, who was received with loud calls for a division, assured the House—first, that he did not intend to occupy much of their time, and next, that although a young Member, he was not a man to be put down by clamour at any time or in any place. He did not intend to attempt any reply to the speech of the hon. Member for North Warwickshire, but he wished to express his regret that the hon. Member for Birmingham (Mr. Scholefield) had not brought forward his Amendment, which he (Mr. Gilpin) had consented to second, although it did not go as far as he desired. He objected to the Maynooth Grant as strongly as the hon. Member for North Warwickshire, but he did so upon quite different principles;

still he should feel great pleasure in going into the same lobby with the hon. Gentleman. If the question before the House had been, as he hoped it soon would be, whether the State ought to support any particular religious sect, he should have said, "No; all religions should stand, in the eye of the State, upon a footing of perfect equality." The Roman Catholics were justified in standing up for their rights; but then came the question of what these rights were. He would support them in their endeavours to be placed on the same footing as any other sect; but he protested against the House being made the arena for theological controversy. Nor were these lobbies proper places to settle questions of doctrine. It was his earnest hope, in which he represented the feelings of a large body in the House, that all religious grants by the State would speedily be abolished, upon the simple and intelligible proposition that Parliament was not intended to decide upon questions of orthodoxy and heterodoxy, but to maintain the equal rights of all good citizens throughout the Empire.

Mr. HADFIELD took this opportunity of expressing his regret that a time had not come for putting an end to these controversies in that House. He trusted, however, that after the division of Monday night on the question of ministers' money that time would soon come; and he recommended the Catholics to put themselves in a position of independence with regard to the State, which would relieve them from the necessity and opprobrium of submitting to such discussions as these. If he were a Catholic he would not for the sake of this paltry grant of £26,000 a year incur the shame which was brought upon them by this grant. Although the Protestant Dissenters contended that they were the majority of the inhabitants of this country, they had never been heard coming to that House whining and whimpering for grants in aid of their religion. In Ireland the Catholics had only this small grant, and the only other bodies who had the meanness to take the taxes of the people for the support of their institutions were the Presbyterians and the Unitarians. It was not a little singular that the bodies that were most able to support their own clergy were precisely those that sought for State aid. He thought that it was unjust to tax any man for the support of the religion of another, and for that reason he should vote with the hon. Member for Warwickshire (Mr. Spooner); and he must at the same time appeal to the Roman Catholics to say, whether the period had not arrived for terminating these heart-burnings and these painful controversies by a surrender of the grant to Maynooth, now that ministers' money was abolished.

Mr. SPEAKER put the Question.

Mr. NEWDEGATE rose—but Mr. Speaker informed the hon. Gentleman that he was too late.

The House *divided*:—Ayes 91; Noes 125: Majority 34.

List of the Ayes.

Anderson, Sir J.
Arbuthnott, hon. Gen.
Ball, E.
Barrow, W. H.
Baxter, W. E.
Beach, W. W. B.
Bentinck, G. W. P.
Bernard, T. T.
Blackburn, P.
Bramley-Moore, J.
Bridges, Sir B. W.
Butler, C. S.
Caird, J.
Campbell, R. J. R.
Carden, Sir R. W.
Cheetham, J.
Child, S.
Cobbold, J. C.
Collier, R. P.
Coningham, W.
Cowan, C.
Craufurd, E. H. J.
Davies, D. A. S.
Davison, R.
Dobbs, W. C.
Duke, Sir J.
Dunbar, Sir W.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Ellice, E.
Elphinstone, Sir J.
Finlay, A. S.
Gard, R. S.
Goddard, A. L.
Greenall, G.
Griffith, C. D.
Grogan, E.
Gurney, J. H.
Hadfield, G.
Hamilton, G. A.
Hanbury, R.
Harris, J. D.
Hay, Lord J.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Jolliffe, H. H.
Jones, D.
Keating, H. S.
Kendall, N.
King, hon. P. J. L.
King, E. B.
Langton, H. G.
Luce, T.
Mackie, J.
Matheson, A.
Miller, T. J.
Miller, S. B.
Mills, A.
Morris, D.
Mowbray, J. R.
Muntz, G. F.
Napier, rt. hon. J.
Nicoll, D.
Packe, C. W.
Pevensey, Visct.
Pigott, F.
Platt, J.
Rebow, J. G.
Robertson, P. F.
Rolt, J.
Roupell, W.
Rust, J.
Salisbury, E. G.
Stapleton, J.
Steuart, A.
Sturt, C. N.
Tite, W.
Tollemache, J.
Vance, J.
Vansittart, W.
Verney, Sir H.
Walcott, Adm.
Warren, S.
White, J.
Whiteside, J.
Williams, W.
Willoughby, J. P.
Wise, J. A.
Wyld, J.

TELLERS.
Spooner, R.
Newdegate, C. N.

List of the Noes.

Adeane, H. J.
Bagwell, J.
Bailey, C.
Baines, rt. hon. M. T.
Barnard, T.
Beamish, F. B.

Bethell, Sir R.
Biggs, J.
Black, A.
Blake, J.
Bland, L. H.
Botfield, B.
Bowyer, G.
Brady, J.
Bramston, T. W.
Briscoe, J. I.
Brown, W.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Bury, Visct.
Calcutt, F. M.
Clark, J. J.
Cogan, W. H. F.
Cowper, rt. hon. W. F.
Conyngham, Lord F.
Corbally, M. E.
Cotterell, Sir H. G.
Cox, W.
Dalgleish, R.
Davey, R.
Deasy, R.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Drummond, H.
Dunne, M.
Elton, Sir A. H.
Ennis, J.
Esmonde, J.
Evans, T. W.
Fagan, W.
Farquhar, Sir W. M.
Fenwick, H.
Ferguson, Sir R.
FitzGerald, rt. hon. J. D.
Fortescue, C. S.
French, Col.
Garnett, W. J.
Grace, O. D. J.
Greer, S. M'C.
Gregory, W. H.
Greville, Col. F.
Hackblock, W.
Harcourt, G. G.
Hassard, M.
Hatchell, J.
Heard, J. I.
Henchy, D. O'C.
Herbert, H. A.
Hope, A. J. B. B.
Hornby, W. H.
Howard, Lord E.
Ingram, H.
Jermyn, Earl
Kinglake, A. W.
Kirk, W.
Knatchbull-Hugessen, E
Langston, J. H.
Levinge, Sir R.
Lincoln, Earl of
Locke, J.
Macarthy, A.
M'Cann, J.
MacEvoy, E.
M'Clintock, J.
M'Mahon, P.
Magan, W. H.
Maguire, J. F.
Manners, Lord J.
Merry, J.
Moore, G. H.
Neate, C.
Norris, J. T.
O'Brien, P.
O'Brien, Sir T.
O'Brien, J.
O'Donaghoe, The
O'Flaherty, A.
Ogilvy, Sir J.
Paget, C.
Paget, Lord C.
Palmerston, Visct.
Pease, H.
Philipps, J. H.
Pinney, Col.
Potter, Sir J.
Power, N.
Ramsay, Sir A.
Roebuck, J. A.
Russell, Lord J.
Russell, F. W.
Schneider, H. W.
Scholefield, W.
Somers, J. P.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Tollemache, hon. F. J.
Townsend, J.
Trefusis, hon. C. H. R.
Trelawny, Sir J. S.
Turner, J. A.
Tynte, Col. K.
Waldron, L.
Warre, J. A.
Westhead, J. P. B.
Williams, M.
Willyams, E. W. B.
Winnington, Sir T. E.
Woods, H.
Worsley, Lord

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

Mr. NEWDEGATE then moved the adjournment of the House, for the purpose, as he said, of explaining what had passed amongst some Members who were not accustomed to the forms of the House. They were not aware that they could rise after the Speaker had put the question. He (Mr. Newdegate) expected they would rise, and thus waited till he was too late to catch the Speaker's eye. He mentioned this without in the least impugning the decision of the chair.

Mr. ROEBUCK rose to order. There was no question before the House, and therefore the hon. Member had no right to speak.

Mr. SPEAKER intimated that the hon. Member for Warwickshire had moved the adjournment of the House, and was therefore at liberty to proceed.

Mr. NEWDEGATE said, he had been induced to adopt the invidious course of moving the adjournment for the purpose of allowing him to explain how many hon. Members had been precluded from expressing their opinions on a subject which deeply interested their feelings, and from the decision on which many had been excluded. He would not withdraw his Motion for the adjournment until the hon. and learned Member for Sheffield had taken any exception which he might think fit.

Motion made, and Question proposed, "That this House do now adjourn."

Mr. H. HERBERT, after the remarks which had just fallen from the hon. Member for Warwickshire, felt bound to say that the House had appeared so utterly indifferent to the subject that during the eloquent and stirring speech of the hon. Member there were only two Members on the benches near him. The hon. Member (Mr. Newdegate) was perfectly aware of the forms of the House, and ought to have known better than to miss his opportunity. If the hon. Member intended to convey to the country the idea that there had been any surprise——

Mr. NEWDEGATE declared that he had not made any such insinuation.

Mr. H. HERBERT: or that the interest of hon. Members was very great, those who had been present since the commencement of the debate could testify that the Opposition benches had been empty nearly the whole time.

Mr. SPOONER: I do not rise to complain, Sir, of what has fallen from the hon. Member opposite. It is perfectly true. None of the Members on this side of the House appear to have thought it worth their while to attend. They must exercise their own judgment, and I don't mean to find fault with them. But recollect, Sir, that none of the Members on the other side could answer my arguments. Hon. Members on this side being satisfied with the arguments, I am content to leave hon. Gentlemen opposite in full joy of their triumph, while it will go to the country that with force of numbers they defeated what they could not meet with force of argument.

Mr. ROEBUCK congratulated the House on having escaped the dreary miseries of a Maynooth debate. They had had a specimen of such debates in the hon. Gentleman's speech, and they all knew the infliction. He had heard the greater part of it, and only spoke his own feelings; but the majority of Members opposite were at dinner during the time—a very much more agreeable operation, no doubt. Again he congratulated the House on having escaped the misery of that bigoted appeal which was constantly being made to them. He was glad, too, that it had been answered merely by votes, and that no one had attempted a refutation of that which did not deserve to be refuted.

Mr. WHITESIDE rose to ask the noble Lord at the head of the Government what were the intentions of the Government with regard to the College of Maynooth? A Commission was issued—

Mr. ESMONDE rose to order. The question before the House was the adjournment.

Mr. WHITESIDE: I do not understand what the hon. Gentleman means.

Mr. ESMONDE: What I mean is this—

Mr. SPEAKER: The hon. Gentleman has risen to order, and must confine himself strictly to stating the reasons why he thinks the hon. Member for Enniskillen is out of order.

Mr. ESMONDE: In my humble opinion the hon. and learned Member for Enniskillen is out of order, because the question being the adjournment of the House he was entering into the question of Maynooth, which had just been decided on by the House.

Mr. SPEAKER: The hon. and learned Member who was addressing the House was perfectly in order.

Mr. WHITESIDE said, he had always remarked that those who were most clamorous in favour of liberty of discussion, and the free expression of opinion, invariably endeavoured to stifle the expression of opinions which they did not like. But he wished to know what course the noble Lord intended to take in reference to the report of the Commissioners appointed to inquire into Maynooth College. That Commission had been issued, he believed, when the noble Lord was Home Secretary, and had reported that there was no branch of education pursued there which met their entire approval, and in the conduct of which some alterations were not requisite. Now, the Universities of Oxford and Cambridge had been overhauled. The University of Dublin had been very properly reformed, and scholarships had been founded—and he fully approved of the step—to which Roman Catholic gentlemen were admissible. He wished to know whether anything was to be done in order to carry out the report of the Commissioners, and to effect the reforms recommended by them in the system pursued at Maynooth. Were they to be told that hon. Gentlemen opposite might express their opinion on ministers' money, and that the hon. Member for Cork might put a Motion on the paper for an inquiry into almost every matter connected with the Irish Church, and yet that those on that side of the House were not to ask what was to be done with an institution upon which there was a Report of a Commission that had never been complied with?

Viscount PALMERSTON: I hope the House will not be led into renewing the discussion of the main question on the question of adjournment, although it is competent for it to do so, as you, Sir, have very properly decided. With regard to the boast of the hon. Member for North Warwickshire, that his speech was not answered because it could not be answered—those who heard it might infer in their own minds other reasons why Gentlemen who differ from the hon. Gentleman were unwilling to enter into a course of discussion upon a polemical question, which, if entered into, could not be carried on without creating irritation which it is desirable to avoid. I have heard many speeches from the hon. Gentleman, but I never heard one which invited, to a greater degree, dissent on the part of those who do not agree with him in regard to the topics which he was discussing. With regard to the question just addressed to me by the hon. and learned Member for Enniskillen, the report of the Commissioners did recommend certain alterations, not of a very material character, in the course of education at Maynooth, and I believe those alterations are now in course of being carried into effect by those who have the conduct of that establishment. I am not able to say whether they have all been carried out or not, but as far as I am informed they are in train.

COLONEL FRENCH pointed out the loss of time which would arise from the practice of hon. Members reopening the discussion of a Motion which had been disposed of by resorting to the expedient of moving the adjournment of the House. It would be most unfair to other hon. Members who had Motions on the paper, particularly as there were only two nights in the week on which Motions could be brought on.

After a few words from Mr. NEWDEGATE,

Motion, by leave, *withdrawn.*

FRAUDULENT TRUSTEES, &c.

LEAVE.

THE ATTORNEY GENERAL rose to move for leave to introduce a Bill to make fraudulent breaches of trust criminally punishable. The hon. and learned Gentleman said, that he was well aware that he had undertaken a task of no ordinary difficulty and responsibility; of no ordinary responsibility, because, while the necessity for such a measure had long been felt, all had admitted the difficulty and had shrunk from the duty of framing it, and because he proposed to pass an Act which should affect in a manner entirely novel to our laws one of the most ordinary relations of life. The situations of trustee and *cestuique trust* were among the most common and the most necessary. He was about to propose that they should be subjected to new rules, and it would therefore demand the most serious consideration whether this could be done with safety, and whether the mode in which he proposed to accomplish it would bear the test of examination. He had, however, the more confidence in proposing this measure, because it had not been brought in on the spur of the moment, but was introduced to meet an acknowledged and long-recognized defect, in which our law stood in contrast with the jurisprudence of every other civilized country. He knew no other code in Europe in which fraudulent breaches of trust were not held to be proper subjects of criminal punishment. In all other countries it had been deemed a proper principle of law to hold the violation of confidence or the betrayal of trust reposed by one man in another, to be one of the greatest aggravations of crime; but he must beg the House to observe in our law there was this remarkable peculiarity, that fraud or theft, when accompanied by breach of trust, was divested of its criminal character. If a man stole £500 he would be punished by the criminal law; but if a man upon his deathbed called in a friend and told him, "I propose to make you executor to my will, and commit to you all my property for the benefit of my widow and children," if the man accepted the trust, proved the will, and then robbed the widow and the orphans of their property, the law said that he was not a criminal, but a debtor. That which to the mind of every man rendered the act most odious and most abominable, according to our law stripped it of its wicked character, and we said to the man, "It is not a crime which you have committed, it is only a debt which you have incurred." But the anomaly and the singularity did not rest there. One would have imagined that, having called this a debt, we should have given great and ready facilities for its enforcement. No such thing. Our ordinary tribunals refused to recognise the act as creating a debt, and such was the absurdity that our courts of law drove the widow and the orphan from the judgment seat, and told them that they had no remedy. It was indeed true that we had not left them entirely without remedy, but it was one which added mockery to the injury which they had sustained. We told them that they must go to the Court of Chancery. That was the only tribunal; and to tell the widow and orphan in humble life, who had been robbed of the small pittance which was their all, that they might go to that court was a wanton aggravation of their original injury. It had been said that this was not a matter which called for the attention of the House of Commons, but surely they could not admire such a system. This was one of our institutions; it was a sample of the amendment which our law required, and it was high time that they should seriously apply themselves to the task of carrying out that amendment. It was indeed a grievous anomaly with which he proposed to deal; but it was necessary to inquire a little further, in order that, before proceeding to improve the law, they might know why it was in a state so calamitous and so revolting to moral feeling. Our law had never been happy in general definitions. It confined itself, as did our Acts of Parliament, to dealing with a vast number of instances. We made particular rules and endeavoured to include in our Statutes every case that might occur; therefore it was that they were so lengthy and so cumbered; but we never attempted to meet an evil by a comprehensive definition, which should accurately define the offence, and leave particular instances to fall within its scope. When we had definitions they were singularly unlucky. Our definitions of theft, even in the various forms which they had assumed, were none of them equal to the occasion. Coke or Blackstone defined it as "feloniously taking and carrying away the goods of another." But what was meant by "feloniously taking and carrying away?" The definition involved the very thing which it professed to define. Another writer defined theft as "an unlawful taking and carrying away the goods of another." This definition would apply only to an unlawful distress, which according to it would be theft. The difficulty which had arisen from these definitions had been, that indictments had been framed according to them. Our indictment for theft ran, that the accused feloniously took and carried away, &c. Now, our common law had constantly refused to recognize the title of the individual who was entitled beneficially to the property. Our common law refused, save in only one or two instances, to recognize the ordinary distinction between trustee and *cestuique trust*, and accordingly if property were committed to a trustee, our common law, founding itself upon our definition of theft, said, "How can a man take away, how can he carry away from himself? He is already in lawful and complete possession, therefore he is unable to commit a theft." Accordingly, if he gave £10,000 to A to hold upon trust for his wife and children, A was by our common law regarded as being the lawful possessor and absolute proprietor of the money; and, although the money was really and truly the property of another, the law refused to recognize the distinction. It refused to recognize the usufructual act, and although the possessor was nothing in the world more than a legal holder, yet if he pillaged and robbed the individual for whom he held the property in trust, it would not acknowledge the title of the beneficiary, and therefore refused to recognize this transaction as a theft. Observe the difference between the jurisprudence of England and that of Scotland. In Scotland theft might be defined thus—*Fraudulenta convertatio rei alienœ invito domino*. Our common law, however, said that trust property was not *res aliena* but *res sua*, and therefore a fraudulent trustee did not take the property of another, but only that which was legally his own. This ignoring of the equitable title had led to anomalies in our criminal law which were almost too absurd to be mentioned. If a man hired a horse to ride to Richmond, and, having ridden it there, sold it—in fact, stole the horse—and appropriated the money, that, said the law, was no larceny. Again, where it recognized the trust, as in the case of a bailee; if you sent a hamper of wine by a carrier, and he stole the whole hamper, it was no larceny; if he broke it open and took out a single bottle, that was a felony. He had so far explained the nature and origin of the existing law, and any one might imagine that a very simple method of remedying the evil complained of would be to introduce a new definition of the term larceny, making it more extensive, and making it include fraudulent appropriations of trust property. To do so, however, would be so great a departure from the ordinary principle upon which statutes were framed, that he had not felt bold enough to make the experiment, and therefore he had, in the Bill which he was asking the House to allow him to introduce, framed several clauses to meet the different forms of breaches of trust. He would, in the first place, deal with the fraudulent conversion by a trustee of the property committed to his charge, and upon that subject he wished particularly to invite the serious attention of the House to the difficulties with which they had to contend, and which require the most anxious consideration before any law was passed relating to the subject. He had already adverted to one of the great difficulties, namely, the responsibility of introducing a new principle into the most ordinary transactions. Now, it was essential that there should be trustees, and also that the honest, well-meaning trustee should be protected in the discharge of his duty, and the dishonest one discountenanced and punished. Great difficulties existed with regard to the performance of his duty by a trustee, and in introducing a measure to make breaches of trust criminally punishable it was necessary to take great care that a trustee should not be liable to be dragged into a criminal court and made the subject of a public examination without sufficient cause, but merely to gratify a feeling of passion or revenge on the part of the *cestuique trust*, or perhaps for the purpose of extortion merely. That was a subject for serious consideration, and he had thought it necessary to introduce into the Bill a particular clause to guard against the possibility of that evil. In his opinion, the *cestuique trust* should be compelled to obtain from some high authority a sanction to proceed against his trustee, and therefore he had framed a clause which enacted that no proceeding or prosecution should be commenced against a trustee without the previous sanction of some one of the Judges of one of the Courts of Westminster Hall, or of one of the Superior Courts in Ireland, or of the Attorney General. That provision was analogous to the provision in the Act for the abolition of arrest for debt, which enacted that a person might be arrested for debt upon an order made by a Judge in Chambers upon affidavits that the debtor was about to leave the country. If a *cestuique trust* became aware of a criminal breach of trust on the part of his trustee, there would, under the provisions of the present Bill, be no impediment to his taking proceeedings, except that which would arise from the necessity of stating the facts of the case in an affidavit to be produced before a Judge in Chambers or the Attorney General, and obtaining the sanction of one of these functionaries to proceed. Whether that was a proper precaution would be a question for the House to consider at a subsequent period, but he mentioned it then in order to let the House know what they would have to take into their consideration if he obtained leave to introduce the Bill. The next question to which he would beg the attention of the House was as to the nature of the trust, a breach of which should be rendered criminally punishable. Breaches of trust were of various kinds. A breach of trust for the immediate benefit of the trustee was, no doubt, a direct breach of trust; but even in direct breaches of trust there were some grades of distinction to which he would call the attention of the House, and which rendered it difficult to make a definition. If a man fraudulently converted trust property to his benefit, that was undoubtedly a direct breach of trust; but suppose that he converted it for the benefit of a third person, would that fall within the definition? The House would think that if that third person was connected with the trustee, the case would be the same. Again, suppose a trustee embarked the property of his *cestuique trust* in a speculation, and that speculation having succeeded he restored the money. Well, it might subsequently be discovered that he had done so, the act was attended with all the characteristics of crime, but resulted in no injustice, in such a case ought the trustee to be criminally punished? To take another case, suppose a trustee engaged in trade embarked the money of his *cestuique trust* in his business. Now, many hon. Gentlemen would be aware that by the rules of Courts of Equity it was competent for the *cestuique trust* to adopt the act of his trustee. By so doing, he condoned the act, and in a certain degree sanctioned it when done. If the *cestuique trust* chose to adopt the act of the trustee in the case which he had mentioned, and claim the profits which had been made, in what category was the trustee to be placed? A trustee holding money in trust for several persons also might do an act approved by some of his *cestuisqui trustent*, but in which the others did not concur, and was he to be held liable to be criminally punished? He mentioned these cases in order to point out to the House that many grades of distinction existed, and that it would require more than ordinary care to decide upon the language which should be used in the Bill. In the Bill which he proposed to bring in, he treated as criminal those acts only which contributed directly to the benefit or use of the person committing them. Trusts they knew were of different kinds. There was the direct trust already explained; but in addition to direct trusts there were also what were called in legal phraseology resulting trusts, which arose, when any property remained after the original direct trusts were satisfied, and concerning which the trustee could not be considered as having entered into any contract. Now, if a trustee, after satisfying the direct trust, found that he had a surplus and applied it to his own benefit, it would be a violation of the resulting trust, and ought to be punished, because criminality attaches immediately where a man appropriates property which he must be well aware is not his own. There were, however, another class of trusts, namely, constructive trusts, which were trusts created by the law itself, and, being so, they might arise without the knowledge of the trustee, and therefore he did not propose to make breaches of that description of trust criminally punishable. Those were the general provisions of the Bill which related to one part of the subject—namely, property held by one person for the benefit of another; but he had thought it right not to stop there. There were other breaches of trust of a more dangerous character, because of more extended influence, committed by persons who did not stand in exactly the relation of a trustee, but which required the introduction of some particular law, in order to meet delinquents who at present might remain untouched. He alluded to those persons who, in the prosecution of those great undertakings which were almost peculiar to this country, had formed companies and had placed themselves in the position of directors or managers of those companies. The next set of clauses which he proposed to introduce into the Bill had been framed to meet the delinquencies, which he regretted to say were so frequent and so gigantic, of persons standing in that situation. In those cases in which such persons fraudulently and openly appropriated sums of money, there could, of course, be no doubt as to their liability to prosecution; but these appropriations were for the most part much too cleverly executed to render it necessary that they should have recourse to a proceeding so clumsy and common as a direct and manifest fraud. Their appropriations of money were, as the House was well aware, effected through the medium of false accounts and fraudulent representations. He had therefore introduced into the Bill a series of clauses under whose operation, if they should pass into a law, the act of keeping false accounts, of making false entries, or disguising the nature of those transactions, by means of untrue representations, should be made criminal. He had also framed two other clauses, which would embrace in their operation that extensive system of fraud which was produced through the medium of false representations, coupled with acts to give a colour to those representations, such as fraudulent statements of the affairs of a company, the payment of dividends out of a fictitious capital, or other wrongful acts which went to the perpetration of great public cheats. Whether the law, as it stood, was or was not sufficient to meet such cases, there could be no harm whatsoever in making the particular mode of robbery to which he referred the subject of a direct criminal enactment. While speaking upon that point, he might perhaps be allowed to advert to an answer which he had a few evenings before given to a question of an hon. Gentleman who had asked him to inform the House whether he would not institute criminal proceedings against certain persons, who were concerned in transactions by which the public mind had of late been much occupied. Now, as he had at the time at which that question had been put to him read none of the evidence in that case, and had kept his mind free from the impressions which might be produced by newspaper reports, he had not been in a position to state to the House that he would certainly institute such prosecution. He had, however, since made himself acquainted with the nature of the case, and having read the documents which had been laid before him by the solicitor to the assignees, he had no hesitation in saying that he would try, without a moment's delay, whether the law as it now stood was not strong enough to meet that case. He trusted, therefore, the House would feel that in giving the answer to which he had just alluded he had been guided by his own conscientious convictions, and that he would not permit himself, as first law officer of the Crown, to be dictated to by a newpaper, nor adopt its suggestions, unless they happened to be such as to command his individual assent. But to proceed to the provisions of the Bill: he had further to state that it proposed to deal not merely with the trustees, directors, and managers of companies, but also with the numerous class of persons who came under the designation of assignees of bankrupts and insolvents, to whose case the same principle would be extended. With reference to bankers and agents the law now stood in the position which he was about to state. The jurisprudence of the country was greatly indebted to the hon. Member for Surrey (Mr. Drummond) for the passing of the Act of the 52nd of *Geo.* III., the introduction of which measure was occasioned by the frauds which had been committed by a stockbroker named Walsh. That Act, however, so far as agents, brokers, and bankers were concerned, was limited altogether to meet the case in which the instructions to the agent happened to have been given in writing, and such was the feeling at the time of its passing that, notwithstanding the exertions of the hon. Gentleman the Member for Surrey, a clause was introduced into the Bill expressly excluding trustees, mortgagees, and other persons occupying positions of that description from its operation. The Act was repealed by the 7th & 8th of *Geo.* IV., but which, while it introduced certain

Amendments into the wording of the Act, made but little substantial alteration—so far as related to the particular subject of his remarks—in its provisions. He scarcely need, however, inform the House that the Bill which he had framed proposed to extend the law to all cases of property committed to the charge of agents, although they might not have received any instructions in writing. The next subject to which he would allude was one to the consideration of which he would invite the particular attention of the House. He might, first of all, state that he unquestionably recognized that principle of the English law which provided that no man should be put upon his trial and found guilty upon evidence procured from his own confession made in a civil proceeding. That was a principle which should, in his opinion, be preserved, and he had therefore continued the exemption from liability to criminal prosecution on the ground of evidence given before a civil tribunal in a civil case; but he did not propose to include within the scope of that exemption the extraordinary provision continued in the 7 & 8 *Geo.* IV., which, no doubt, had originally been forced on his hon. Friend (Mr. Drummond). It enacted that a person who had criminally converted property thus entrusted to him, and made a voluntary confession of his guilt in any proceedings instituted against him in a court of bankruptcy or insolvency, should by such confession escape all criminal prosecution and penalties. There were in the Bill other clauses providing that criminal liability should not be permitted to interfere with the civil rights of the party. There was also another clause in the Bill, which provided that in the case in which a civil suit had been instituted against a trustee to recover property which he had fraudulently appropriated, no criminal proceedings should be taken during the progress of that suit without the leave of the Judges before whom it happened to be pending. He proposed that, for fear of criminal proceedings being resorted to for the purpose of influencing the civil suit, and also to prevent civil proceedings being instituted in order to extort a confession. It was a clause, however, which possibly might lead to some difference of opinion. Those were the principal features in the Bill. Of the language in which it was drawn up he was by no means particularly enamoured, but he felt assured he would receive from both sides of the House the most zealous co-operation in the endeavour to remedy its defects. He himself had prepared the Bill, and therefore he should welcome any suggestions which might be made to him with that view, from whatever quarter they might come; and he should, in conclusion, express a hope that the present Session might be signalized by such an instalment of legal reform as would remove a great opprobrium to our jurisprudence, and would lead—particularly in the case of those in humble life, among whom the constant recurrence of the frauds against which the Bill sought to provide produced so much misery—to an improved state of things, while it tended to place our legislation on a more respectable footing than that upon which it now stood. The hon. and learned Gentleman then moved for leave to bring in his Bill.

MR. MALINS congratulated the House that this subject had now been brought under their consideration by his hon. and learned Friend the Attorney General in a speech which was worthy of his reputation and the interests involved in it. There was among those whom he had the honour to address scarcely one who had not in all probability, at some period or another of his life, dischared the duties of an executor or a trustee, and to them, of course, it was needless to say that the question with which his hon. and learned Friend proposed to deal was one which was worthy of their most serious attention. He himself had long been of opinion that breaches of trust under aggravated circumstances should be rendered liable to criminal prosecution, and he might add that the present Lord Chief Justice of the Court of Common Pleas had, when Attorney General, introduced a Bill by which it was intended to carry out objects similar to those which his hon. and learned Friend had in view. That hon. and learned Gentleman had felt, however, some difficulty in prosecuting that measure on account of a doubt entertained by some of the most distinguished Judges of the land as to whether it would be expedient to endanger the civil remedy by giving a criminal one? The hon. and learned Gentleman opposite was, he was glad to see, fully alive to that danger. No doubt it was a very poor remedy to afford those who had been injured by a breach of trust, to send them to the Court of Chancery. It was, indeed, a poor consolation to those who had been ruined by the misconduct of a trustee, in appropriating to his own use that which he was bound to protect for the interest of those in whose behalf it was committed to his charge, to send them to the Court of Chancery for redress; not on account of any defect in that court, for in this matter it was perfectly innocent, and there was no part of its jurisdiction more beneficially exercised or more frequently brought into operation, and he regretted to say, also, very frequently brought into operation in working great hardships on trustees. There were few gentlemen in society but had at some time or other committed a breach of trust. And why had they done so? Families, or members of families, applied to the trustees; a pressing necessity had arisen; family arrangements were proposed; and it was urged upon the trustees that if a certain sum of money could be advanced, a certain property purchased or sold, or something done which was not strictly regular, the interest of the family would be greatly promoted. Trustees had frequently and most correctly been described as an unfortunate class of persons. Theirs was, indeed, a thankless office; for whilst they incurred great perils they could not, from the rigid rules of the Court of Chancery, themselves derive any personal benefit. It was of the highest importance, then, that there should be thrown around them guards and precautions to prevent that, which was done from motives of benevolence, being attributed to motives of criminality. He concurred with the Attorney General in thinking that the law ought to be made more stringent in cases where trustees had deviated from their duty from a regard to their own interests, and especially in gross cases where executors and trustees knowingly and abominably sold out, perverted, and appropriated trust property to their own use. At present the only remedy was by a bill in Chancery to make them restore the funds they had appropriated. That would be an effectual mode of proceeding if the delinquents had the money forthcoming; since, for the honour of human nature, it generally happened that the Trustees had acted under some pressure of poverty and necessity, and that deceived by false hopes they had trusted at some future period to be able to replace the money. Seeing the difficulties by which the question was beset, he thought it would require the exercise of the greatest possible care on the part of the House—all the experience and ability of his hon. and learned Friend, and the assistance of all sides of the House, to make the measure effective for the object he had in view—preventing its going too far, and making those criminals who acted from the best and purest motives. It was with the greatest satisfaction, also, that he found his hon. and learned Friend was prepared to grapple with that other great question of the criminal misappropriation of trust property by the direction of the Trustees and Managers of Joint-stock Banks. Numerous instances of this kind had of late occurred which were perfectly familiar to the public. Need he mention the Tipperary Bank, the Royal British Bank, and an Indian Bank which had lately failed. These were three prominent instances; but not all. Gentlemen who practised in Chancery were daily being made acquainted with others. He himself would tomorrow be professionally engaged in the case of an Australian Banking Company, with respect to which this state of things occurred. The Bank was established in 1844 or 1845, with a capital nominally of £300,000 or £400,000. The Company never raised more than £40,000. The Directors, however, at once proceeded to trade on a large scale; borrowed more than £300,000 on debentures, and misappropriated the whole of the money. Process was instituted in the Court of Chancery, which had wound up the affairs as nearly as possible, and it had done so under the Winding-up Act by calling upon the unfortunate shareholders in the Company to pay up upwards of half a million of money. Such cases frequently occurring with regard to these Joint-stock Banks, produced the painful impression upon his mind that there was in this country—from what cause he knew not, but he deeply deplored the fact—an absence, to a lamentable extent, of commercial integrity. Of course, these were exceptional cases; for, as a rule, the commercial classes of England were composed of men of high respectability and great integrity, but unfortunately the public could not discern those who were from those who were not, and thus a stigma was cast upon our country which lowered us in the scale of nations. He rejoiced to find that his hon. and learned Friend had made up his mind to see if the law, as it stood, was not strong enough to reach such criminal acts as that of declaring dividends of a large amount in order to deceive the public, at the very time that those who declared the dividend knew that the capital was all gone. In conclusion, he rejoiced at the introduction of this most important measure—important, not only as affecting the law, but as making a strong effort, which he trusted every Member in the House would aid in rendering successful, to put the law in such a state as would enable it to uphold, as far as the law could do it, the integrity of commercial transactions, as well as the integrity of all men who took upon themselves the administration of trusts.

MR. HADFIELD, whilst welcoming the introduction of the measure, was of opinion that the utmost care and caution were necessary not to offend gentlemen who undertook the management of others' interests in the capacity of trustees. It was already one of the most difficult things to get suitable persons to act. He himself had always refused to be a trustee beyond the circle of his own family. With regard to Joint-stock Banks it was most desirable that they should be looked into closely. He considered them as engaged in a profitless competition; and it was matter of surprise to him how a man of property could ever consent to take a share in any one of them. The Directors themselves were generally chosen from a class of men who were utterly unfitted for the office.

MR. NAPIER asked if the hon. and learned Gentleman proposed to extend his Bill to Ireland?

THE ATTORNEY GENERAL replied, that the measure was to be a general one, applicable to the United Kingdom.

MR. NAPIER expressed his gratification at this announcement, and

Leave given.

Bill to make better provision for the punishment of Frauds committed by Trustees, Bankers, and other persons entrusted with Property, *ordered* to be brought in by Mr. ATTORNEY GENERAL, Sir GEORGE GREY, and Mr. BAINES.

JOINT-STOCK COMPANIES, &c.

COMMITTEE. LEAVE.

Order for Committee read; Acts read.

THE ATTORNEY GENERAL begged the patient indulgence of the House while he called its attention to a measure of a somewhat peculiar character, because it intended to deal with an existing state of things, and was therefore, to a certain extent, retrospective. He had a Resolution to move on which would be founded a Bill to amend the particular Act under which public companies were liable to be made bankrupt, and also to amend the Winding-up Acts. The spirit of the enactments which he wished the House to accept was precisely the same as that of the Bill passed last Session with regard to all joint-stock companies with the exception of banking and insurance companies. The Act of last year, he might observe, was introduced after the greatest consideration, and would, he trusted, prove very beneficial in its operation. The present state of the law respecting banking and insurance companies was this:—There was now a great conflict between the remedy of bankruptcy and the remedy, as it was called, of winding-up under the Acts passed for that purpose. It was a most unfortunate peculiarity of this country that we did not confide to any one tribunal the duty of administering complete justice on an entire subject, but gave to different tribunals the charge of its fragmentary parts. Where a joint-stock banking company fell into difficulties and became insolvent two things had to be effected. The one was the payment of its creditors and the putting of its assets in their power. The other was the determination of the measure and relative proportions in which individual shareholders should contribute to make up the deficiency in the fund available for meeting the company's obligations. It would be imagined that both of these processes might be conducted by one tribunal. But, in fact, when a public company became insolvent the duty of winding-up the estate for the payment of the creditors might belong to the Court of Bankruptcy, while the operations for apportioning the contributions required from the various shareholders and for settling their respective equitable rights could only be effected through the medium of another tribunal—the Court of Chancery, under the Winding-up Acts of 1848 and 1849. In a company consisting of many shareholders particular individuals might be called upon to pay the debts of the concern in unequal ratios. For example, one shareholder, whose fair contribution was only £2,000, was liable to be called upon by the creditors for say £20,000, and could be compelled to pay it too. And the question was, how could this person come upon his fellow-shareholders, who were equally liable, to recover the remaining £18,000? The difficulty attending the solution of this point, and the mode of working it out, had led to the introduction of the Winding-up Acts of 1848 and 1849. Then there arose from this state of the law a conflict between the two jurisdictions, of which the whole community had recently had a most painful and distressing exhibition brought before their eyes in the notorious case of the Royal British Bank, to which previous reference had been made, and in which it would be recollected that all the several branches of that great tribunal, the Court of Chancery, were occupied for a considerable period, not in determining either the rights of the creditors or the liabilities of the shareholders, but in deciding between the claims of the official managers under the Winding-up Acts, and the rival claims of the assignee under the bankruptcy to have the benefit arising from the cutting up and distribution of the estate. Thus, for a considerable time our Courts were engaged, not in the actual administration of justice, but in settling the preliminary question in which of our courts that justice must be sought. Another serious evil arising from the same conflict of jurisdiction lay in the liability of the shareholders of the insolvent company to as many actions as there were creditors. What was the consequence of this state of affairs? Keeping to the example of the British Bank as an illustration, the creditors of which were about 6,000 in number, and the shareholders some 280 or 300, at present every single creditor had a right, after certain preliminaries, to bring an action to recover his claim against every single shareholder. Thus they had 6,000 creditors multiplied by 300 to represent the number of actions which the existing law allowed to be brought as the consequence of the failure of this particular company. What was the practical result? He held in his hand an exceedingly long list of actions, from which he found that one creditor, for a sum of less than £150, had commenced no fewer than twenty-five different suits. He had a second list giving the number of shareholders who had fled the country; and a third—which was also very long—giving the number who had become bankrupts. Many others had, no doubt, made settlements of their property and arrangements as to their effects in the hope of evading the consequences of this state of the law, because they found it utterly impracticable, with 6,000 creditors, and 300 shareholders, to come to any mutual understanding. Common sense would dictate that somebody should have the power of representing the interests of the shareholders, and somebody else the power of representing the rights of the creditors, with the view to an arrangement by which the liabilities of the shareholders should be determined, and each of them rescued from what was perhaps even worse than the original loss—namely, the accumulated costs of the innumerable actions, which seriously aggravated the first misfortune of the unhappy shareholder. He (the Attorney General) had, therefore, to submit to the consideration of the House a remedy in regard to the existing state of things and for all future cases of this description. Let the creditors of a banking, or any other public company, not included in the late Acts, be called together by advertisement, and be enabled, subject to certain conditions and under the approval of the Court, to choose one or more persons to represent their interests; and let those persons be armed with authority to make any arrangement with the representatives of the shareholders for the purpose of obtaining that amount of contribution from each individual shareholder which might be right or practicable. When this was done, let the shareholders be protected from liability to actions on the terms—of immediately making application to the Court, having the direction of the proceeding, and submitting to such conditions as it might think fit to attach to the privilege of immunity from action by the creditors. In the case of a bank a shareholder was placed by the existing law in a situation of peculiar hardship, because as soon as the bank was made bankrupt he was liable to pay the whole of its debts, although the whole of the company's available assets might have been seized by the creditors. It was most unjust to leave a man liable to pay the entirety of the debts, when, probably, in the course of three or four months the whole of the difference between the dividend realized under the bankruptcy and the full amount of the debts might be forthcoming by means of contributions levied under the Winding-up Act rateably upon the shareholders. Suppose the assets realised 7*s.* in the pound, was it not most unjust to permit a shareholder to be sued for the whole 20*s.*? His liability ought to be confined to the 13*s.* Under the present Bill the Court would give protection against this oppression upon the terms of the shareholder giving security for a reasonable amount. The Bill resolved itself into two propositions. Instead of the interests of the most important and largest creditors being destroyed by the refusal of some one or two creditors of inferior amount to concur in an arrangement, it was proposed to empower the majority of the creditors, in number and value, to appoint a person to carry a just and equitable arrangement into effect. At present a person might be a creditor at the time of the bankruptcy for some £40 or £50. An attorney came to him and said, "Sell me your debt;" the rights of the creditor were transferred to the attorney for a consideration, and some 200 or 300 actions were brought upon that miserable debt. As many hon. Gentlemen were no doubt aware, this was done in the case of the Royal British Bank. The shareholders found it impossible to meet the demands of the creditors with any chance of settling the claims or making a fair compromise. The object of the Bill was to enable the creditor to be represented, and by that means to bind the whole body of creditors to advantageous terms. The other proposition was this—to enable a shareholder, as soon as terms had been agreed upon, to apply to the Court for protection against vexatious proceedings, by giving security to answer the amount which, so far as he was concerned, should be required of him to carry out the arrangements already agreed upon by the representative of the creditors. He believed that the Bill would be beneficial alike to creditors and debtors, because while the former would be more likely to obtain payment of their debts, the latter would be saved from ruinous litigation. The Bill would apply to all existing as well as to future companies, and would therefore supply a grievous defect in the Bill of last Session. The hon. and learned Gentleman concluded by moving, that the House resolve itself into Committee to consider the said Acts.

Mr. MALINS believed that many of the provisions of the contemplated measure of the hon. and learned Gentleman were almost identical with those of a Bill which came down from the Lords last Session, but which unfortunately he was not able to carry beyond a second reading. If it had become law he believed that much of the misery which had been occasioned by the failure of the Royal British Bank might have been avoided. Many of the unfortunate shareholders had fled the country, not to avoid payment of their fair share of the debts of the bank, but to save themselves from the entire ruin which might have been brought upon them by the multiplicity of actions alluded to by the hon. and learned Gentleman. The object of the Bill was to effect a compromise of the existing law, but he would suggest an improvement. By the present law the person as well as the property of the creditor could be taken. The course adopted was an exhausting process; for instance, a call was made on 350 shareholders, to which only 200 responded; a second call was then made, which reduced the number to say 100, and on that 100 a third call was made. He would suggest that directly an order to wind-up was made, the right of creditors to sue individual shareholders should cease. It might be said that if this were so the shareholders would leave the country or make away with their property. At present, however, under the Act for the Abolition of arrest under Mesne Process a creditor had the power, by permission of a Judge, to arrest a debtor who was about to leave the country, and he would give the same power to creditors in this case, under a Judge's order, to arrest shareholders where there was evidence to show that they were about to abscond to avoid their liability. Such a provision as he had suggested would get rid of the enormous evil disclosed in the case of the Royal British Bank, where there were 350 shareholders, abundantly able to pay all their debts, and where, if the right of sueing individual shareholders had not existed, he believed the affairs of the bank might have been wound up, calls made, every creditor satisfied, and the shareholders set perfectly free. The Bill which came last year from the Lords was unfortunately lost owing to the opposition of many hon. Gentlemen from the other side of the Channel, who were under the impression that he supported it in order to favour some of the shareholders in the Tipperary Bank—which was far from his intention. That Bill, if it had passed last year, would have saved the shareholders of the British Bank from almost all their troubles, and he accused the Government of a want of moral courage in connection with it. Because there was a great feeling against the measure on the part of those whose support Ministers desired to have, they left the battle solely in his hands, with the result he had indicated. This was the sort of support which private Members got in attempting to improve the law. Now, however, the Government was obliged to come forward and do that which it refused to do last year. Still he should support the present measure, though the details of course would require consideration.

Mr. DEASY thought the House was much indebted to the hon. and learned Gentleman (the Attorney General) for the introduction of this measure. If it had been the law at the time of the failure of the Tipperary Bank he believed the creditors would have got at least 10*s*. in the pound, whereas now they would not receive one-fourth of that sum. He hoped the hon. and learned Gentleman would accede to the suggestion made from the opposite side of the House, as it was a provision which would greatly increase the benefit that would be derived by both debtors and creditors from this enactment.

Mr. WYLD said that, had the Bill been in operation last year, the creditors of the Royal British Bank would have been in receipt of, if not of the whole, at least of a very large portion of their claims. As it was, £17,000 had been expended upon law costs in the attempt to recover from the shareholders the amount to which they became liable, while one-third of the more wealthy shareholders were at this moment living in exile abroad. A large proportion of these persons would have offered a composition, and if some individual had been empowered to give discharges a considerable part of the whole debt would by this time have been paid. Both the debtors and the creditors of the Royal British Bank must feel much indebted to the Attorney General for the time and care he had bestowed upon this measure, and he only hoped that much time would not be suffered to elapse before it was passed into a law.

The ATTORNEY GENERAL said, that the object which the hon. and learned Member (Mr. Malins) desired to see accomplished was practically effected by the Bill, for the moment the Winding-up Order was made, or an adjudication in Bankruptcy took place, the advertisement for the creditors would be issued. That advertisement operated immediately as an injunction against all proceedings without the leave of the Court. The shareholders would be cited when the creditors applied to obtain that leave; they would have to propose terms, or to show adequate cause why the court should not make an order, and thus both parties would be properly protected.

House in Committee.

Mr. Malins

The ATTORNEY GENERAL having formally moved a Resolution:—

> "That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Act seven and eight Victoria, chapter one hundred and eleven, for facilitating the Winding-up the affairs of Joint Stock Companies unable to meet their pecuniary engagements; and also, the Joint Stock Companies Winding-up Acts, 1848 and 1849."

Sir HENRY WILLOUGHBY wished to ask the hon. and learned Gentleman how he proposed to treat the question of fees? The contest between the rival judicatures of Chancery and Bankruptcy in the case of the British Bank seemed to be nothing more than a contest between the officers of two courts of law, which should pray upon the carcass, and he should like to know how the hon. and learned Gentleman would deal with such a case as this?

The ATTORNEY GENERAL hoped that no long time would be suffered to elapse before some comprehensive measure on the subject of Bankruptcy and Insolvency was introduced, in which due provision would be made with regard to fees, but that in the present Bill he did not propose to interfere with them.

Motion *agreed to;* House resumed.

Resolution *reported;*

Bill *ordered* to be brought in by Mr. Bland, Mr. Attorney General, Sir George Grey, and Mr. Attorney General for Ireland.

CONTRACTS (PUBLIC DEPARTMENTS).

ENLARGEMENT OF MEMBERS OF COMMITTEE.

Mr. J. D. FITZGERALD moved that this Committee do consist of seventeen Members.

Colonel BOLDERO objected to the Committee, which was now composed of fifteen Members, being enlarged so as to consist of seventeen Members. There were already three Government men on it, and to add a fourth would be giving, what was undesirable, a preponderating weight to the Government. If the Committee were to consist of seventeen Members, he should propose, instead of the two Members now named, the addition of the hon. Member for Newcastle-under-Lyme (Mr. Jackson), who was on the last Committee, and the hon. Member for Frome (Mr. Nicoll), who was probably more conversant with the question of the clothing of the army than any other Member.

Mr. MOFFATT did not know on what principle the Committee was nominated.

It was usual in Committees of inquiry to reappoint the Members who had previously conducted the inquiry, but in the nomination of the present Committee several of the previous Members had been passed over.

VISCOUNT PALMERSTON said, that the object of adding to the number of the Committee was to place on it two Gentlemen who would assist its deliberations by a great deal of practical knowledge—namely, his right hon. Friend, who had been Chairman of the Committee before, and the hon. and gallant Member for Northampton. He hoped, though, on general principles, a Committee of fifteen Members was quite large enough, yet as the two Members now named would be found most useful for the inquiry for which the Committee was constituted, that the House would agree to make the Committee consist of seventeen Members.

LORD JOHN MANNERS said, he thought it important to have some system for the composition of these Committees. The other night the right hon. Gentleman the Home Secretary maintained that, looking to the amount of private business likely to come before the House, and to the number of Election Committees which must be nominated, no Select Committee ought to consist of more than fifteen Members, and the same opinion was enforced by the Chairman of Committees (Mr. FitzRoy). He, therefore, thought that it was the intention of the Government to proceed on that principle during the present Session. The proper time for making such a Motion as the present would have been when the names of the Committee were proposed.

After a few words from Sir C. NAPIER and Colonel BOLDERO, both of whom objected to so many Members connected with the Government being on the Committee,

Motion made, and Question put, "That the Select Committee on Contracts (Public Departments) do consist of seventeen Members."

The House *divided*:—Ayes 136; Noes 83: Majority 53.

MR. J. D. FITZGERALD then moved, that the names of Mr. Monsell and Colonel Gilpin be added to the Committee.

COLONEL BOLDERO said, the Committee was one of considerable importance. Lately the Government had changed the system of contracts for supplies for the army, and in 1856 the House sanctioned the appointment of a Committee on the subject. That Committee, of which he (Colonel Boldero) was a member, did not meet until late in the Session. They had sixteen sittings, and on the 15th July agreed to report the evidence to the House, recommending at the same time that in the ensuing Session of Parliament another Committee should be appointed to investigate the subject. At the beginning of the present year an hon. and gallant Friend of his moved the re-appointment of the Committee, which was agreed to, but the second Committee only sat four times previous to the dissolution, and the inquiry still remained incomplete. He had taken upon himself the responsibility of moving the appointment of another Committee, and in doing so he advisedly selected several Members to be upon it who did not sit in the last Parliament. There were four interests concerned in the Committee—namely, the Government, the Army, the Navy, and the Mercantile interest. There were three Members of the House on the Committee who were supposed to represent the Army, three who represented the Navy, four the Mercantile interest, and three connected with the Government—namely, the Secretary of the Admiralty, the Under Secretary of War, and a Lord of the Treasury. He thought three Members connected with the Government were sufficient, and he had, therefore, to object to the addition of a fourth, as giving an undue preponderance to the Government in the Committee. He had proposed as members of the Committee several independent country gentlemen, with some of whom he was personally unacquainted, but who were entirely unconnected with the army and navy, or with trade, and whose good sense would check any improper bias on the part of their colleagues. He thought it unfair to the House and to the public that a Committee of this nature should be overwhelmed with Government officials. He had moved the appointment of the Committee, and gave the names of the members to the Secretary of the Treasury, who had disapproved of many of them; but he believed that he had acted with the most perfect fairness in the constitution of the Committee. Usually, when Committees were struck, the mover was allowed to have eight members to seven, but he had only selected five members from that (the Opposition) side of the House, while he had taken ten from the Ministerial side. It was, therefore, impossible that the Committee could be more fairly constituted.

Mr. HAYTER wished to say a few words in explanation on this subject. The hon. and gallant Member (Colonel Boldero) having moved for the Committee showed him a list of fifteen Members who he proposed should constitute it, and he was surprised to find that there was not on the list the name of a single Member of Her Majesty's Government. He, therefore, suggested to the hon. and gallant Officer that as such a Committee would necessarily have to make inquiries connected with the War Department the Under Secretary for that Department should be placed upon the Committee. He also suggested that some Member of the Government connected with the Naval Department should be a member of the Committee. At the head of his list the hon. and gallant Member had placed five or six names which were bracketed with the memorandum—"Upon the last Committee." His (Mr. Hayter's) impression was that those were all the Members of the present Parliament who served upon the former Committee. He asked the hon. and gallant Member whether he had a list of the old Committee, and he replied that he had not. He (Mr. Hayter) might perhaps be blameable for not having made more strict inquiry on the subject, but his impression certainly was that every Member of the existing Parliament who had been upon the former Committee had been placed by the hon. and gallant Member upon the proposed Committee. Acting upon that impression, and seeing that certain public departments to which the investigations of the Committee would apply were not represented upon it, he suggested that the names of some hon. Members of those departments should be placed upon the Committee, and he must say that the hon. and gallant Officer at once acceded to his suggestion. Subsequently, however, the hon. and gallant Member for Bedfordshire (Colonel Gilpin) told him that although he did not care about being upon the Committee, he thought it was not quite fair to strike him off without reason, and that hon. and gallant Officer said he had understood from the hon. Member for Chippenham (Colonel Boldero) that he (Mr. Hayter) had objected to his name. He (Mr. Hayter) assured the hon. and gallant Colonel (Colonel Gilpin) that he did not even know that his name was not upon the list, and that it was a total misapprehension to suppose that it had been omitted at his suggestion. The hon. Member for Ashburton (Mr. Moffatt) was also upon the former Committee, but his name was omitted from the new Committee. He had afterwards ascertained that the name of his right hon. Friend the Member for Limerick (Mr. Monsell), who had moved for the former Committee, and had presided over it, had been omitted from the new list. Now, he certainly thought that Members who had been engaged in an investigation in a former Session would naturally be the persons best fitted to renew it in another Session; and he hoped the House would see the propriety of placing on the Committee the names of his right hon. Friend the Member for Limerick, and of the hon. and gallant Member for Bedfordshire.

Colonel GILPIN said, the right hon. Gentleman (Mr. Hayter) had described with perfect accuracy the conversation which had taken place between them. Until he saw in *The Times*, as he was coming up to town that day, the Parliamentary notices for the evening he was not aware that a proposal was to be made by the hon. Member for Berwick to add his name to the Committee. He had felt some surprise that after having served on the Committee during two Sessions, that his name was not on the Committee, but he had had no communication with that hon. Gentleman on the subject, and although he was ready to serve upon the Committee if it was the desire of the House, he should feel no disappointment if he were excluded from it. He was also surprised that the name of the right hon. Gentleman opposite (Mr. Monsell), who had originally moved for this Committee, and who had paid the greatest attention to the subject, had been omitted from the list.

Lord JOHN MANNERS said, the right hon. Gentleman opposite (Mr. Hayter) had entirely misconceived the nature of the opposition to this Motion, and he had therefore defended himself against charges which had not been made, and which he felt sure were never imputed to him. His hon. and gallant Friend (Colonel Boldero) said that he at once acceded to the names which the right hon. Gentleman mentioned, and he thought that what the right hon. Gentleman had stated would be of great value to hon. Members in appointing these Committees. The hon. and gallant Member went to the representative of the Government, and submitted to him a list of Members, heard what he had to say, acceded in the frankest manner to all his suggestions, and agreed in fact to everything; and then, after several days had elapsed, he found that another hon. Member on the benches behind the Government, without giving any notice whatever to the hon. and gallant Member, and without assigning any reason, intended to propose the addition to the list of two more names. On the opposition taken to this course not a voice, except that of the noble Lord at the head of the Government, was raised, and there would have been no division if the noble Lord himself had not wished it.

Mr. LIDDELL said, he had served on the former Committee, and when he had found that his name had been omitted from the proposed new one, he had spoken upon the subject to the right hon. Gentleman the Member for Wells (Mr. Hayter), who had appointed him to serve again upon that inquiry.

Viscount PALMERSTON said, it was a practice of the House that when Committees which had sat for a considerable length of time investigating important questions were reappointed in succeeding Sessions, the Members who had previously served should, if possible, be replaced upon such Committees. The obvious reason for this course was that Members who had heard evidence and who had become familiar with the details of any subject were much more competent to arrive at a satisfactory decision than new Members, who might be altogether unacquainted with the matter, and would have to read up the minutes. He thought the hon. and gallant Officer who had moved this Committee ought, in the first instance, to have proposed the reappointment of all those hon. Gentlemen who were Members of the Committee in the last Parliament. It was not necessary for him to inquire what reasons had induced the hon. and gallant Member to deviate from the ordinary practice of the House, but it was quite clear, from the statement of his right hon. Friend the Member for Wells, that he was under the impression that the list shown to him by the hon. and gallant Officer did contain the names of all those Members of the present Parliament who were members of the Committee during the last Parliament. That impression was, however, erroneous—although he did not accuse the hon. and gallant Member of intending to produce an erroneous impression, and the result was that two Members of the last Committee—his right hon. Friend the Member for Limerick (Mr. Monsell,) and the hon. and gallant Member opposite (Colonel Gilpin), had been omitted from the new Committee; the right hon. Gentleman (Mr. Monsell) having originally moved for the Committee, having been its Chairman, and being from his official position and experience, of all persons, perhaps, the most competent to assist the Committee in their investigations. He (Lord Palmerston) must protest against the assumption of the hon. and gallant Officer that the subject of the Committee's inquiry was one in which the Government were personally interested. The only interest of the Government was that the system of contracts should be placed upon such a footing as was most advantageous to the public. The Government had no interest in maintaining a system of contracts which was disadvantageous to the public. On the contrary, the Government were the parties who had the greatest reason to desire that the investigations of the Committee might result in improving the system of Government contracts. In order to effect that object, however, it was necessary that the Committee should consist of persons who were acquainted with the present practice regarding contracts, and his right hon. Friend (Mr. Monsell) was especially qualified to guide and inform the Committee as to army contracts. He thought it would be most unreasonable if the House refused to place that right hon. Gentleman upon a Committee of which he had been Chairman for twelve months, and which he had assisted by his advice during two Sessions. The hon. and gallant Officer opposite (Colonel Gilpin) would also bring great zeal and information to bear upon such an inquiry, and although he (Viscount Palmerston) agreed that in the present Session it was not desirable that Committees should consist of more than fifteen members, he thought the peculiar circumstances of this case would justify the House in making an exception.

Mr. Monsell and Colonel Gilpin added to the Committee.

House adjourned at half after Eleven o'clock.

HOUSE OF LORDS,

Friday, May 22, 1857.

Minutes.] *Took the Oaths.*—The Viscount Bolingbroke; Several Lords.
Sat First in Parliament.—The Earl of Hare-

wood, after the Death of his Father; The Viscount Hardinge, after the Death of his Father.
Public Bill.—1ª Reformatory Institutions.

THE REPORT ON MILITARY EDUCATION.

EXPLANATION.

Lord PANMURE: I wish, my Lords, to take the present opportunity of stating that I think some mistake, which I do not clearly comprehend, has got abroad with respect to the Report of the Commissioners on military education. In another place, and also in the public press, the Government and myself have been accused of endeavouring to "burke" or suppress that Report. It would be impossible, my Lords, to advance a more groundless or, let me add, a more malevolent insinuation. When the Commissioners were appointed the greatest pains were taken to let the public know that the duty assigned to them was to elicit facts illustrative of the system of military education in all the countries of Europe, with the view of guiding Her Majesty's Government and the military authorities in establishing some plan of education for the officers of our army. The Commissioners completed their inquiry in July last, and, so far from our attempting to "burke" or suppress the result of their labours, my right hon. Friend (Mr. Monsell) informed the House of Commons, by means of a minute which he laid on the table, that the Commissioners had returned, and were in the act of preparing their Report, to which we intended to give publicity. That Report was made. It was very voluminous, and, in the first instance, was presented to me for my perusal. It was then sent to the Messrs. Spottiswoode, the gentlemen who print for the War Department, and also for your Lordships, and when it was put in type a certain number of copies were printed and distributed, some of them among your Lordships. I had 300 copies thrown off which I sent to the House of Commons, 150 to be given to such Members as might particularly desire to have them, and 150 to be placed in the library, where all the Members would have access to them. I adopted that course, because I did not wish to incur the expense of printing an unnecessarily large number of copies, and because I knew that not above one-fourth of the Members of the House of Commons would care to read a bulky blue-blook upon such a subject. My desire for economy has been turned against me, and I am blamed for not having printed the Report, although I put it where every Member who chose might see it. That Report, my Lords, is well worthy your attention. The Commissioners go rather beyond their instructions, and I do not pledge myself to subscribe to all the opinions they have expressed; but I must say that their Report is one of the most able documents which I have seen upon the subject. It comprises in a very clear form accounts of all the systems of military education abroad, and I hope will receive from your Lordships, and from the Members of the other House of Parliament, an attentive and careful perusal. I may state, in addition, that the Commander-in-Chief and myself have been in communication for the purpose of establishing a system of education for the officers of the army; we have almost arrived at a conclusion upon the subject; a system has been sketched out which I hope we shall soon be able to promulgate; and your Lordships may be assured that no time shall be lost in carrying into practical operation that which is a great *desideratum* in our army—namely, a scheme for affording to our officers the means of acquiring the information requisite to fit them for staff and other appointments, rendering them as distinguished for their professional and technical knowledge as they had already proved themselves to be for their courage and gallantry in the field.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL.

MOTION FOR AMENDMENT.

Lord ALVANLEY rose, pursuant to notice, to draw the attention of the House to the Roll of the Lords Spiritual and Temporal just issued. It contained 458 names; but as those of the great Officers of State and that of the Bishop of Bath and Wells were entered twice, there were in reality only 450 Lords on it. He thought that the form of the Roll was wrong when it made the number of their Lordships' House appear greater than it really was. The noble Lord then *moved*—

> "That the Roll of the Lords Spiritual and Temporal be amended. That when the name of any Lord shall appear twice in the said Roll it shall be numbered but once.

Earl GRANVILLE said, it was the duty of the Garter King at Arms to lay on the table a vellum roll of the Temporal Lords; the Clerk was afterwards directed, by an order of the House, to prepare another containing the names of the Spiritual Lords also; from that Roll an alphabetical list was afterwards made out, and the names were numbered from this, according to their position on the other Roll, in order to mark their precedence.

Motion (by leave of the House) *withdrawn.*

THE LORD LIEUTENANT OF IRELAND AND THE DUBLIN PROTESTANT ASSOCIATION.

MOTION FOR CORRESPONDENCE.

VISCOUNT DUNGANNON rose to move that there be laid upon the table a copy of the Correspondence which passed during the month of April, 1857, between the Dublin Protestant Association and the Lord Lieutenant of Ireland. The grounds on which he moved for this Correspondence were these. In one of the districts of Dublin there was a certain large school, in which a number of persons of both sexes, all Protestants, gave their gratuitous assistance in the education of children. During the latter part of the month of March, and the commencement of the month of April last, mobs of Roman Catholics surrounded the building, ill-used and insulted persons going in and out of it, and, among others, several ladies of respectability and station were subjected to that treatment. It appeared, moreover, that several policemen witnessed those disturbances, and not only refused to take any part whatever in trying to suppress them, but actually gave their countenance to the proceedings; for upon one occasion, when two policemen met a body of women who were pursued, and assailed by a Roman Catholic mob, and were entreated to interfere, they not only refused to do so, but, by their laughing and cheering, actually encouraged that scene of riot and violence. In consequence of repeated outrages of that description, the Dublin Protestant Association thought fit to memorialise his Excellency the Lord Lieutenant, for the purpose of ensuring for their Protestant brethren the protection of the law. Now, he was not himself a member of that association, nor in any way connected with it; but he could state that it was composed of persons, not only of the highest respectability, but also of property and station, and that it was both a legal and a constitutional society, and not of an aggressive character. In their memorial to the Lord Lieutenant, they stated, that from the circumstances they had set forth, they had been led to think that persons who faithfully adhered to the Protestant creed were debarred from the protection of the Executive Government. The reply they received from his Excellency was to the effect, that although he had never distinctly recognised the body called the Protestant Association, he had been in the habit of receiving any representations coming from them; but that upon this occasion he felt compelled to consider that they had used expressions insulting to himself and to his predecessors in office—in fact, that they had cast a reflection upon the Executive Government in Ireland. The Association, in their reply, denied that they had intended to treat with disrespect his Excellency, or any other Member of the Irish Government; but they added that they were anxious to claim for themselves that protection to which they were by law entitled. The Lord Lieutenant then sent them another communication, in which he stated that he understood them to have withdrawn the offensive expressions used in their memorial. He (Viscount Dungannon) confessed, however, that he did not see how it could be held that they had withdrawn any portion of the language they had at first employed, or what there was for them to withdraw; for he did not conceive that there was anything offensive in the expression of an opinion, borne out by facts, that Protestants did not receive a fair share of protection from the Executive. The Government and the Parliament of the day might for a time regard with indifference proceedings of that character; but he believed the time must arrive when the feelings of the Protestants of Ireland would become aroused by the injustice with which they were treated, and the attention of the Government and of Parliament be directed to the subject. If such acts as those which he had stated had been committed by Protestants against Roman Catholics, he was persuaded that a hue and cry would be raised from one end of the kingdom to the other; and he did not say that such hue and cry would not be justifiable. He thought, however, it was not too much to expect that the protection accorded to one class of people in Ireland should be extended to every other. The Protestants who had been thus wantonly assailed were engaged in the meritorious duty of instructing the rising generation, and yet their efforts had been met by even worse outrages than any he had yet stated. It appeared that persons in the neighbourhood of these schools had had their houses violently entered; and that the inmates of those houses had been cruelly beaten, solely because they had sent their children to those establishments. It further appeared that the authors of those acts of violence had been encouraged to perpetrate them by a Roman Catholic priest, and by the teacher of a neighbouring national school. These were matters which loudly called for inquiry, and if Her Majesty's Ministers should refuse to institute that inquiry, it was high time the subject should be taken up by Parliament. He hoped the Government would have no hesitation in acceding to the Motion which he then made for the production of this Correspondence.

EARL GRANVILLE said, he had no objection to the Motion. After the papers had been produced, their Lordships would be enabled to judge of the merits of the case.

Motion *agreed to.*

PROBATES AND LETTERS OF ADMINISTRATION BILL—COMMITTEE.

House in Committee (according to Order).

Clause 1 (Commencement of Act) *agreed to.*

Clause 2 (Interpretation Clause).

LORD ST. LEONARDS moved an Amendment, the object of which, and of other Amendments, which he intended subsequently to move, was to withdraw from the jurisdiction under this Bill all real estates, and to confine the jurisdiction of the Court solely to personalty. There was no difference of opinion, the business connected with probates, and letters of administration, should be removed from the Ecclesiastical Courts, to a Queen's Court of Probate; but the courts proposed to be superseded, never had, or could have, any jurisdiction over real estate. The Ecclesiastical Courts had exercised a jurisdiction over personal property, because it was necessary to have some one person to represent and administer that kind of estate. But, their Lordships' title to property did not depend on the Ecclesiastical Courts; they required no power from any court to enable them to inherit the estates of their ancestors, and they were able to devise their estates, where they had a devisable interest, without any regard to those courts. There never had been any ground why real property should be brought under the jurisdiction of the Ecclesiastical Courts, and, therefore, why should it now be brought under the jurisdiction of that Court which was a simple substitution for the Ecclesiastical Courts? It was said by persons extremely fond of uniformity that there was an anomaly in the validity of a will being decided by a Judge sitting in the Ecclesiastical Court, or in any new court, as far as regarded personalty, and by a jury as far as regarded realty; that the jury might come to the conclusion that the will was valid, and the Judge come to the conclusion that it was invalid; and that they might thus have two opposite conclusions by competent jurisdictions with respect to the same instrument. He believed that no one could quote two such instances within the recollection of any man. What he (Lord St. Leonards) would advise their Lordships to do was to leave the law as it affected real estate as it was at present. He would urge upon their Lordships the duty of maintaining untouched by this Bill the rights and immunities incident to their own estates and the rights and immunities of every landed gentleman in the kingdom; and he would especially caution them against a change which might tend to result in saddling the owners of real estate with probate duty in the way in which they had been already subjected to a succession duty. He might remind their Lordships that when a former Bill of his noble and learned Friend's (the Lord Chancellor) on this subject went before a Committee upstairs that very question, whether or not real estate should or should not be liable to probate, was most attentively considered and discussed, and that a majority of the Committee decided that real estate should not be made the subject of probate. It was true the present Bill did not propose to subject real estate to probate; but there were several clauses in it which brought real estate within the jurisdiction of the new court, and whenever there was a contest as to a will, the Bill enabled the heir-at-law, or the devisee of the real estate, to appear as a party in such contest. To that proposition he was entirely opposed, and he repeated that the law of England as to real estate required no alteration. He therefore again called upon their Lordships to accept his Amendments, the effect of which would be to leave the law precisely as it stood at present, and to assimilate the Bill in respect to real estate to the one which had been so attentively considered by the Committee upstairs.

Moved, to strike out the words ("Testament and") and the word ("other").

THE LORD CHANCELLOR said, it did not appear to him that the Motion of his noble and learned Friend properly raised the question which his noble and learned Friend had brought under the consideration of the Committee; but he (the Lord Chancellor) was nevertheless willing that that question should be raised at once and be discussed on the first Amendment. That question was whether or not, to the extent to which this Bill affected real estate, it ought to affect it. With regard to the merits of this point he owned that at a portion of his noble and learned Friend's address he felt somewhat annoyed. He certainly did not like, for the sake of the character of their Lordships' House, the sort of *argumentum ad* landowner or *argumentum ad homines* used by his noble and learned Friend, by which he appealed to the landed interest in the country as distinct from the general interests of the community. He (the Lord Chancellor) on the contrary thought that all questions should be decided not by the interests within the House, but by the interests of the great body of the community. Now, what did this Bill propose with reference to real estate? The Chancery Commissioners, in their Report published in 1854, recommended that there should be one jurisdiction for real and personal estate, and that probate should extend to all property of every description. He acted upon that suggestion when he introduced a Bill on this subject in 1854; but during the discussions in the Select Committee, to which the Bill was referred, the general opinion seemed to be that the alteration would be attended with inconvenience; and he therefore confined the measure to personal estate. The Bill passed their Lordships' House in that form, but it did not pass the House of Commons. In 1855 and 1856 measures with the object of improving the testamentary jurisdiction were originated in the other House. But as it was the opinion of his colleagues that it was advisable he should introduce a similar Bill into their Lordships' House this year, he had most attentively reconsidered the whole subject, and he had satisfied himself that it would not be desirable to act upon the recommendation of the Commissioners with respect to real property, and that the same necessity did not exist for probate of real estate that there was for probate of personal estate. In the case of personal estate it was necessary to have somebody to represent the deceased, to sue for the recovery of debts, and to receive personal property, which was of infinite variety, and probate with regard to that description of property was therefore absolutely requisite; but he did not think any such necessity existed with respect to real estate. There was, however, this extraordinary anomaly — that although, when a will had been proved as to personal estate, the title of the executor was conclusively established to every particle of the personal property—whether in the shape of leasehold, money in the funds, railway shares, debts: if a question were raised whether the will was properly executed, or whether the testator was of sound mind, that was established once for all as regarded personalty. But this was the anomaly, inasmuch as probate did not extend to real estate, the question which had been decided as to personal estate might, according to the existing law, be reopened with regard to the real estate. His noble and learned Friend said that these cases were of very rare occurrence. That was true; and if there had been no ready remedy it might have been better to bear the evil. But he (the Lord Chancellor) considered that it might be remedied so simply, so easily, and so effectually, that he should have thought himself wanting in his duty if, when he was proposing a plan for improving the testamentary jurisdiction he did not include in it a remedy for such an anomaly. What he proposed was, not that probate should be required with regard to real estate in all cases of wills disputed or undisputed; but that if a will were disputed upon the ground that the testator was insane, or for any cause which applied to the whole will, all the persons interested under such will should be cited immediately after the testator's decease, and while the evidence was yet available, and the matter settled once and for all. He could not conceive what possible objection there could be to such a course. His noble and learned Friend had said that cases of the kind referred to were of rare occurrence. So they were; but since he (the Lord Chancellor) had had the honour of holding the Great Seal the very question had arisen, and in a case of no small importance. In 1842 a gentleman died at Cheltenham, who had made a will two or three weeks before his death, by which he bequeathed all his property of every description to his widow. The widow proved the will, which was a good probate as to the personal estate, and in virtue of such probate she obtained personal property in the funds, and of other descriptions, to the value of £150,000. The deceased was also the owner in fee simple of very large estates in Ireland, producing £7,000 or £8,000 a year; but after the widow had been in possession of those estates for some little time, proceedings were instituted by the heir-at-law for their recovery. A trial took place, and the jury found that the testator was insane at the time he made the will. The subject was brought by appeal before the House of Lords, and was argued very fully and ably at the bar. He had occasion to consider the case without the assistance of any of their Lordships. He thought himself disentitled to look at what had been done with regard to probate, but he came to the conclusion upon other grounds that the trial had not been satisfactory, and he therefore reversed the decision of the Irish Court and directed that a new trial should take place. The same result might follow from a new trial, but he mentioned this case to show the present anomalous state of the law, and he thought he should have been deservedly obnoxious to the charge of adhering too blindly to precedent if he had not taken the opportunity, now afforded, of remedying this state of things, and with this view he had proposed these clauses. The Bill would not involve the necessity of probate of real estate in ordinary cases, but he proposed that when there was a contest, probate should be conclusive both as to real and personal estate.

On Question, that ("Testament and") stand part? The Committee *divided*:—Contents 56; Not Contents 35: Majority 21.

Clause *agreed to.*

CONTENTS.

Canterbury, Archbp.
Cranworth, L. (*L. Chancellor.*)

Ailesbury, M.

Abingdon, E.
Burlington, E.
Clarendon, E.
Effingham, E.
Fitzwilliam, E.
Fortescue, E.

Granville, E.
Grey, E.
Harrowby, E.
Minto, E.
Portarlington, E.
Portsmouth, E.
Stanhope, E.

Eversley, V.
Falmouth, V.
Gordon, V. (*E. Aberdeen.*)

The Lord Chancellor

Bath and Wells, Bp.
Kilmore, &c., Bp.
London, Bp.
St. Asaph, Bp.
St. David's, Bp.
Worcester, Bp.

Belper, L.
Brodrick, L. (*V. Midleton.*)
Byron, L.
Calthorpe, L.
Camoys, L.
Campbell, L.
Carew, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Clonbrock, L.
Congleton, L.
Dacre, L.
De Tabley, L.
Fingall, L. (*E. Fingall.*)
Foley, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)

Kingston, L. (*E. Kingston.*)
Meldrum, L. (*M. Huntly.*)
Mont Eagle, L. (*M. Sligo.*)
Monteagle of Brandon, L.
Oriel, L. (*V. Massereene.*)
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Saye and Sele, L.
Sefton, L. (*E. Sefton.*)
Stanley of Alderley, L.
Stewart of Stewart's Court, L. (*M. Londonderry.*)
Strafford, L.
Sunbridge, L. (*D. Argyll.*)
Wensleydale, L.
Wycombe, L.

NOT-CONTENTS.

Norfolk, D.
Richmond, D.

Bath, M.
Salisbury, M.

Belmore, E.
Carnarvon, E.
Hardwicke, E.
Harewood, E.
Harrington, E.
Lucan, E.
Malmesbury, E.
Mayo, E.
Powis, E.
Seafield, E.
Talbot, E.

Combermere, V.
Doneraile, V.
Dungannon, V.

Ardrossan, L. (*E. Eglintoun.*)
Bagot, L.
Berners, L.
Bolton, L.
Colchester, L. [*Teller.*]
Colville of Culross, L. [*Teller.*]
Gray, L.
Lovel and Holland, L. (*E. Egmont.*)
Polwarth, L.
Raglan, L.
Ravensworth, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Sondes, L.
Saint Leonards, L.
Walsingham, L.
Wynford, L.

Clauses 3 and 4 *agreed to.*

Clause 5 (Her Majesty to appoint Judge of the Court; the First Judge to be the present Judge of the Prerogative Court).

LORD WYNFORD observed that, on the previous discussion on this Bill, the noble and learned Lord (the Lord Chancellor) had represented that it was the opinion of Dr. Lushington that one Judge would be sufficient for all the duties of the Admiralty, Matrimonial, and Probate Courts. He was informed, however, that that learned Gentleman had said that his opinion had been modified since the period when he gave his evidence some years ago, and that, considering the increase of business which had taken place in the Admiralty Court, and the probability of further increase of business after the alteration of the present system, he was inclined to think that one Judge would not be adequate for the purpose. He therefore wished to know whether it was intended to leave the present clause as it now stood? A great part of the present business was conducted by paper out of Court, but if hereafter it should be conducted *vivâ voce,* the more frequent attendance of the Judge in court would be rendered necessary, and, considering that the attendance of the Judge would also be required at the Judicial Committee of the Privy Council, he hardly thought that the services of one Judge would be sufficient.

THE LORD CHANCELLOR was afraid that he had unintentionally gone beyond what his learned Friend authorized him to say. He had a conversation with him about a fortnight ago on the subject of the amount of business likely to come before the new Court of Probate, and was then told by him that twenty years ago he was examined before a Committee of the House of Commons, and gave his opinion that one Judge could do the business; but that since then the business of the Admiralty Court had no doubt increased, and that he could not now feel the same confidence that one Judge would be sufficient. Instead of representing the leaning of the opinion of that learned person to be now that one Judge could do the whole business, he thought he must state that the learned Gentleman was inclined to think, without expressing a confident opinion on the point, that one Judge would not be sufficient. It was, however, unnecessary to make any alteration in the present clause.

Clause *agreed to.*

Clauses 6 to 22 *agreed to,* with Amendments.

Clause 23 (Court to have throughout all England the same Powers as the Prerogative Court within the Province of Canterbury).

LORD ST. LEONARDS asked whether one Bill might not be introduced to apply to the whole of the kingdom? Why should Ireland be excluded from the advantage of such a measure?

LORD CAMPBELL claimed justice for Scotland also. Surely his noble and learned Friend, with the assistance of the Lord Advocate, might devise some scheme to make the law with regard to probates and letters of administration uniform throughout the whole kingdom.

THE LORD CHANCELLOR acknowledged the desirability of such a measure, but said that he did not yet propose to make probates everywhere interchangeable. They would first make this Bill perfect for England, after which there would be no difficulty in framing an Act to extend to Scotland and Ireland.

Clause *agreed to.*

Clauses 24 to 36 *agreed to.*

Clause 37 (Appeal to the Privy Council).

LORD ST. LEONARDS moved an Amendment that appeal should lie to the House of Lords instead of to the Privy Council. He considered it to be a great constitutional question. It was essential that the Judges who had to decide questions relating to the property of the subject should be independent of the Crown. But the Judicial Committee of the Privy Council was a tribunal wholly unknown to the constitution of the country, and did not deal with questions relating to real estate, or such matters as were dealt with by this Bill; and a Privy Councillor was removeable at the pleasure of the Sovereign.

LORD CAMPBELL said, he had not any serious fears of the Members of the Judicial Committee being under the influence of the Crown; but he thought that, constitutionally and wisely, the House of Lords was the proper Court of *dernier ressort* for all questions respecting the common law of England.

THE LORD CHANCELLOR said, that the Amendment of his noble and hon. Friend (Lord St. Leonards) met his own views, and he would adopt it; indeed he had originally framed the Bill with an appeal to the House of Lords.

Amendment made, and clause, as amended, *agreed to.*

Clauses 38 to 95 *agreed to,* with verbal Amendments.

Clause 96 (Compensation to Registrars, &c., of existing Courts).

THE BISHOP OF LONDON observed that no provision was made in the Bill for the payment of the Chancellor and Registrar of the diocese of London. The office of Chancellor of that diocese was one of great importance, and had been held by men of high distinction, including Lord Stowell and Dr. Lushington. He hoped, therefore, that before the Report was brought up the noble and learned Lord would provide for the payment of those important officials, not only in the diocese of London, but in other dioceses.

THE LORD CHANCELLOR said, that whatever remuneration the present Chancellor held, they would still be entitled to. But he did not see the propriety of making persons proving wills pay the salaries of ecclesiastical officers, however valuable and important their services might be.

Clause *agreed to;* Remaining clauses *agreed to.*

Schedules and preamble *agreed to.*

Report of the Amendments to be received on *Thursday* next.

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, May 22, 1857.

MINUTES.] NEW WRIT.—For Penryn and Falmouth, *v.* Thomas George Baring, esq., Lord of the Admiralty.

PUBLIC BILLS.—1° Joint-Stock Companies, &c.; Fraudulent Trustees, &c.; Cinque Ports Act Amendment; Registration of Voters (Scotland).

3° Transportation and Penal Servitude.

COLONEL JACOB'S RIFLE—QUESTION.

COLONEL SYKES said, he wished to ask the Under Secretary for War whether the War Department, in continuing the experiments with the Whitworth rifle, would simultaneously cause experiments to be made with the weapon known as Colonel Jacob's rifle, to which the attention of the War Department has been officially drawn by Reports communicated from India?

SIR JOHN RAMSDEN, in reply to the question, said that some experiments had already been made with Colonel Jacob's rifle at a short range, and it was intended, when the rifle shells and balls were made, to make some further trials at a longer and more satisfactory range.

THE NEW CARTRIDGES.—QUESTION.

MR. STANLEY said, that, in accordance with the rule laid down by Mr. Speaker, he should explain the question which he was about to put, by stating a few simple reasons for putting it. That he might be in order, he should move that the House at its rising adjourn to Monday.

MR. SPEAKER said, that of course if the hon. Member persisted in the Motion he must put it, but the hon. Member must be aware that, in putting a question, by the rules of that House he must confine himself to such few remarks as were necessary to render it intelligible.

MR. STANLEY said, that was all he meant to do; but, as the feeling of the House was against him, he would merely ask the Under Secretary for War if the various plans submitted to the War Department during the late war, of attaching the cap to the cartridge, or other contrivance obviating the troublesome necessity of the soldier having to bite the cartridge, have received the attention of the Secretary of State for the War Department, and if any of them is likely to be adopted?

SIR JOHN RAMSDEN said, it was quite true that a very ingenious contrivance had been submitted to the consideration of the Government to obviate the necessity of the soldier biting the cartridge in loading his musket, but certain objections in detail rendered its adoption impracticable. The object, however, had been obtained in another way. The cartridges for the new Enfield rifles were made in such a way as to open by the hand, and when that rifle had been supplied to the whole of the army there would be no necessity for the soldiers to bite the cartridge at all.

REVENUE POLICE (IRELAND).

QUESTION.

COLONEL FRENCH asked the Secretary to the Treasury if the Report is correct that the Revenue Police in Ireland are to be dismissed, the men to be transferred to the constabulary, and a small gratuity to be given to the officers now serving?

MR. WILSON said, that it was not the intention of the Government to abandon the present system of employing the Revenue Police in aid of the constabulary in Ireland, which had been commenced under the Act of 1854; but as that Act expired in the present year, Parliament would be asked to renew it with certain modifications.

THE INDUSTRIAL SCHOOLS BILL.

QUESTION.

VISCOUNT GODERICH said, he wished to ask the hon. Member for North Staffordshire (Mr. Adderley) whether the Amendments introduced by him in the Industrial Schools Bill provide for the omission of all clauses authorizing any charge upon the poor rate?

Mr. ADDERLEY said, that in deference to the opposition to this Bill, of which the noble Lord had been the chief author, every allusion to the boards of guardians, and every charge upon the poor rates, had been omitted from the Bill, with the single exception of a permissive clause enabling boards of guardians, with the sanction of the Poor Law Board, to make use of these schools.

CIVIL SERVICE COMMISSION.

QUESTION.

Mr. MACARTNEY asked the Chancellor of the Exchequer whether there would be any objection to lay on the table the Report of the Civil Service Commission on Monday next, prior to the Appendix being printed?

The CHANCELLOR of the EXCHEQUER said that the Report of the Commissioners had been presented, but the Appendix had not yet been received. He was given to understand that it would be ready in the course of the next week, and as it would be more conducive to the proper investigation of the subject to have the two together, the Report would be delayed until the Appendix could be presented with it.

THE SLAVE TRADE.

QUESTION.

Mr. P. O'BRIEN asked the Secretary of State for the Colonies whether the magistrate who, according to the Report of Mr. Fitzpatrick to the Lieutenant Governor of the Gold Coast (dated Cape Coast Castle, in the year 1853), refused to give information respecting the slave trade to Commander Philips, of Her Majesty's ship *Polyphemus*, unless he was guaranteed some reward, still holds the Commission of the Peace at the Gold Coast; and whether the two other magistrates stated in the same Report to have been holders of slaves and pawns still hold the commission of the peace for the Gold Coast, and whether the two other magistrates stated in the same Report to have been holders of slaves and pawns still hold the Commission of the Peace for the Gold Coast?

Mr. LABOUCHERE said, that none of the magistrates to whom the questions referred continued to hold the Commission of the Peace of that colony.

THE WHITSUNTIDE HOLIDAYS.

QUESTION.

Mr. WALPOLE asked the noble Lord at the head of the Government whether he intends to propose that the House shall adjourn over Tuesday next, the day on which Her Majesty's birthday is to be kept. It would also be convenient if the noble Lord would at the same time state what adjournment he proposes for the Whitsuntide recess.

Viscount PALMERSTON: Sir, I intend to propose that the House shall, as usual, adjourn over the day on which Her Majesty's birthday is kept, and also over the following day, on which our Isthmian games are celebrated. With regard to Whitsuntide, I shall propose that we adjourn from Friday to the Thursday following. Thursday being a day on which the Motions of private Members are taken, I do not think it would be right to adjourn over that day; but I consider that it would be unnecessary to ask Members to come up on Wednesday for a morning sitting.

TORTURE IN INDIA—QUESTION.

On the Motion, "That the House at its rising adjourn till *Monday* next,"

Lord CLAUD HAMILTON said, he rose to ask the President of the Board of Control if he will state to the House what steps have been taken by the Government to put an end to the practice of Torture in the Presidency of Madras, since the Report of the Commission that has proved its prevalence in that Presidency? And whether similar investigations have been instituted in Bombay and Bengal; and, if so, whether it is intended to communicate the result of such inquiries to the House? It must be in the recollection of hon. Members that in consequence of the statement made by the Government of Madras a Commission was appointed to investigate the subject. That inquiry extended over seven years, and the result was that the Commissioners produced a book which showed not only that the practice of torture prevailed in India, but to a far greater extent than had ever been stated in that House. One of the purposes for which it was employed was to enforce the payment of the revenue. With regard to torture to extort confession, it appeared that there had occurred in the Madras Presidency 1,690 cases in which persons had been forced by torture to confess themselves guilty of offences with which they were charged, and out of that number not less than 890 were afterwards acquitted. It was impossible to conceive a more infamous state of things. Then, with respect to torture by the police for the purposes of plunder. The Commissioners stated that the practice was universal, and they stated the means of torture employed, which were of the most harrowing character, and, as regarded females, were too disgusting and indecent to be described. Moreover, the Commissioners stated that these instances which they had collected were only samples, for from the system pursued by the local authorities inquiries were obstructed; and even when parties were convicted their punishments were utterly inadequate; so that these outrages were rather encouraged. [*Cries of* "Oh, oh!"] Hon. Gentlemen opposite might attempt to put him down by clamour, but he would maintain that the system was disgraceful to a free country. He considered that he was addressing an English assembly, representing the rights of freemen, protecting the interests of the subjects of the realm, and they ought not to try to drown the voice of an independent Member who was exposing a system of abuse degrading to the country. By attempting to silence him by clamour, hon. Members would involve themselves in the disgrace which attaches to those infamous practices of the native Hindoo police. There was another statement in the Report which showed that this hideous system was not maintained by the native police alone. It stated—

> "In this investigation one thing has impressed us even more painfully than the conviction that torture exists, it is the difficulty of obtaining redress which confronts the Hindoo nation."

The Commissioners then drew a dreadful picture of the state of the native police. The police were under paid, which no doubt was one great cause of the evil; and the Commissioners stated,—

> "The police are banded together from the highest to the lowest for the purpose of extorting illicit gains, and violence, fraud, and torture are the chief means of detecting crime, or rather of implicating innocence."

Mr. STANLEY said, he rose to order. He was refused a short time previously the opportunity of saying a few words, but the noble Lord was allowed to make a speech. ["Order, order."]

Mr. SPEAKER: The two cases are very different. There is now a Motion before the House (that the House at its

rising adjourn), which gives the noble Lord the privilege of speaking; and if I am asked whether the noble Lord is strictly in order I am bound to say that he is.

Mr. STANLEY rose again, as if desirous to address the Chair. He was met by loud cries of "Chair, chair," but continued still standing.

Mr. SPEAKER: I have answered the question of the hon. Member for Beaumaris, and as I have stated that the noble Lord is in order, I consider that he is entitled to continue his address.

Lord CLAUD HAMILTON said, he thought that the hon. Member for Beaumaris had not selected a very suitable task in rising to speak to "order." During the long period through which he trusted that Mr. Speaker would continue to hold the Chair he hoped never again to see him treated as he had been on that occasion. The present was a question affecting so many millions of our fellow-subjects, that he was sorry to see it attract so little the attention of hon. Members opposite, who had little respected its magnitude and importance. However, as they were so impatient he would take another opportunity of entering into details, and would conclude by requesting an answer to the question which he had asked.

Mr. VERNON SMITH said, he certainly should not follow the noble Lord into his details, considering that they had been a most inconvenient abuse of the Orders of the House. ["No, no!"] It certainly was admitted that questions might be taken up on the Motion for Adjournment, but that was usually understood to be confined to questions of urgency, and not to extend to questions of such a magnitude and nature as these asked by the noble Lord. He the more regretted that the noble Lord should have taken the present opportunity of introducing the question, because the inattention with which it had been met might be regarded here, but above all in India, as arising from indifference to the subject; whereas it arose only from the inappropriateness of the occasion. The answer he had to give to the questions of the noble Lord simply was, that he intended to move for the production of all the papers on the subject since September 4, 1855, which was the date of the last return. There had been a great deal done already in consequence of the valuable labours of the Commission, and he fully participated in the horror expressed by the noble Lord at the atrocities they had disclosed. He should do all that he could to extirpate such practices; and so, he was sure, would his noble Friend Lord Harris, the Governor of the Madras Presidency. Letters had been written under his (Mr. V. Smith's) sanction to the authorities in India, representing the horror which these practices excited among the people of this country, and when the agents were convinced that the determination of the Indian Government was to put these practices down, he believed they would co-operate with the Government in that object. It was proposed to inflict additional penalties on those who might be guilty of these practices; and as there was a new penal code under consideration, it had been suggested that its provisions might be modified for that purpose. For his own part he did not shrink from investigation, and was sincerely desirous to put down practices so disgraceful, and with that view desired that public attention should be directed to them. But he did not know what other measures could be adopted for that end than those which had been thus resorted to.

MR. STANLEY: Mr. Speaker, I have to apologise to you and to the House if I seemed just now to dispute your authority. I should be sorry, Sir, having had the honour of a seat here many years, to set such an example to younger Members. It was not, Sir, that I was not satisfied with your answer to my first question, but I wished to put a further question as to what I always understood to be the rule of the House—that a Member must speak to the question before it. No Member, Sir, will do more to support your authority than myself, and I again beg to apologise to you and the House if I appeared to disregard it.

WESTMINSTER BRIDGE—QUESTION.

MR. HENLEY said, he wished to ask the First Commissioner of Works as to the state and condition of Westminster Bridge, and whether the Government have come to any determination to proceed with the works commenced for a new Bridge? A Committee had been appointed at the close of the Session of 1856 to inquire into the state of Westminster Bridge, and had recommended that the works which had been begun for the erection of the new bridge should be suspended in consequence of a Report which had emanated from the Committee on Public Offices advocating the purchase of a larger tract of land in the immediate neighbourhood of the existing bridge, with a view that public offices should be erected upon it. He perceived from the Report of what had occurred in another place, that the noble Lord the President of the Council, had stated that it was not the intention of the Government to apply to Parliament to sanction the purchase of a larger plot of land, and he therefore felt called upon to put to the right hon. Baronet the question of which he had given notice. He should inform the House that a sum of £50,000 had already been expended upon the new bridge, and that the river had been very much blocked up and impeded by the erections which had been rendered necessary in order to carry on the works. He believed he was also right in stating that many of the piers which had been constructed for that purpose did not correspond with the piers of the old bridge, but actually occupied the waterway between them, so that—as had been stated in the evidence given before the Committee—the result of a heavy frost might be to produce the most dangerous consequences, as the accumulation of a great body of ice might either lead to the carrying away of the bridge bodily by impeding the flow of the river, or to the inundation of the low lands in the neighbourhood.

SIR BENJAMIN HALL said, that a similar question to the one now asked by the right hon. Gentleman had been put to him on the 9th of February last by the hon. Member for Lambeth, in reply to which he had stated that he had seen Mr. Page, the engineer, on the morning of that day, who had reported to him that, notwithstanding the suspension of the works connected with the new Westminster Bridge, it was his opinion that no danger was likely to result, as the condition of the old bridge proved it to be as safe as it had been in the preceding year. In consequence of the notice which the right hon. Gentleman had given him that he was about to bring the subject under the consideration of the House, he had sent for Mr. Page again that morning, but had not been able to see him. He had, however, received from his clerk of the works precisely the same information as Mr. Page himself had given him upon the former occasion. With respect to the question whether the Government had determined to proceed with the works of the new Westminster Bridge, he might say that two Committees had, in the course of the Session of 1856, been appointed, the one to investigate the state of the public offices, the other, of which the right hon. Gentleman had been the Chairman, to take into consideration the condition of the old Westminster Bridge, and the course which should be adopted in reference to the progress of the new bridge. The former Committee had come unanimously to the Resolution that it was desirable to concentrate the public offices in the immediate neighbourhood of Downing Street, and the Government having taken that Resolution into their consideration, had determined that, in consequence of the state of the War-office and the inconveniences which arose in the conduct of the business of that department, it was expedient that a new War-office should be erected. They had also come to a similar conclusion with reference to the building of a new Foreign-office, and he felt assured that the right hon. Gentleman would concur in the propriety of that conclusion when he recollected that the noble Lord who had been at the head of the Foreign Department under the Government of Lord Derby, might have suffered most seriously in consequence of a portion of the ceiling of one of the rooms having fallen in, owing to the dilapidated condition of the building. The Government, under these circumstances, had endeavoured, in order that the new edifices might be worthy of the metropolis, to procure by means of competition, the services of the best architects, not only in this country but throughout the world, and had with that view sent out specifications to almost every quarter of the globe. The appeal had been most nobly responded to, as was clearly shown by the designs which were now being exhibited in Westminster Hall. In connection with the designs for the two public offices to which he had alluded, however, it had been deemed expedient by the Government, taking into account the report of the Committee upon Public Offices, that specifications for designs for laying out the ground between Richmond Terrace on the north, Great George Street on the south, the Thames on the east, and St. James's Park on the west, should also be sent out. His noble Friend the President of the Council had, however, said correctly that it was not the intention of the Government to purchase the whole of that site, but he might state that they were prepared to propose a Bill with a view of acquiring the property which lay between Downing and Charles Streets, in order to build upon it a War-office and a Foreign-office, should Parliament sanction their erection. One portion of the Report of the Committee on Westminster Bridge had been to the following effect:—

> "Your Committee are of opinion that, subject to the consideration of professional advice to be obtained by the First Commissioner of Works as to the security of the old bridge, the further progress of the works of the new Westminster Bridge should remain suspended until the Government have had an opportunity of considering and deciding on the advice to be offered to Parliament upon this last subject, when the site of the new bridge might be considered in connection with any general plan of alteration and improvement in the neighbourhood, as well as the all-important subject of the headway under the bridge."

Now, in deference to the opinion which had been expressed by that Committee, he had set forth in the specifications the necessity of taking into consideration in any block plan which might be furnished the fixing of a site for the new Westminster Bridge. He had, a short time ago, with the sanction of the Government, appointed some gentlemen to consider the plans which had been sent in, in accordance with the specification, and he expected that those gentlemen would make their Report about the middle of next month. As soon as that Report had been presented, he should lay it upon the table of the House, when an opportunity would be afforded to hon. Members to enter into the whole subject, and to determine whether the new Westminster Bridge should or should not continue in its present site, and if so, whether it was expedient that the works should be proceeded with upon the present or upon a totally new plan.

Motion *agreed to.*

House at rising, to adjourn till *Monday* next.

MESSAGE FROM THE QUEEN— MARRIAGE OF THE PRINCESS ROYAL.

Order for Committee read.

THE CHANCELLOR OF THE EXCHEQUER having moved that the House should go into Committee to take into consideration the Royal Message on this subject.

MR. ROEBUCK: Sir, I am reluctant to interpose at the present moment, but I believe that the opinions I am about to express are those which are held by a large body of my countrymen, and for that reason, and that alone, I believe that they will be listened to with attention by this House. I do not think that anything I can offer will carry any weight with it, but as my opinion will be backed out of doors, I have no doubt the House will give me its attention for a few moments. Sir, I feel that I have on the present occasion a divided duty. I have a duty to perform to the Sovereign and a duty to the people. The Sovereign of these realms has so won the affections of her people that in her case they sink the monarch in the woman, and the respect and deference which we owe to Her authority as the Sovereign are, if I may so say, swallowed up in the affection for the woman. In all the relations of life—as daughter, wife, and mother—Her Majesty has set an example to Her people which, socially, is of immense importance, and on that account I am quite sure it will be our anxious desire, as it will be our very greatest pleasure, to meet her wishes. As this is the first of Her Majesty's children who has left Her parental home, and as it is therefore the first occasion on which Her Majesty has come to this House to ask for aid and assistance in setting that child forth in the world as a daughter of England should be set forth, we must all feel an intense desire to meet the wishes of the Sovereign. But, Sir, while doing this, we must not forget that we have another duty to perform, and that, although we are the subjects of the Queen, we are also the representatives of the people. We must not forget that while we endeavour—as I am sure we all shall endeavour, to meet Her wishes, we have also to consider the interests of the people; and, therefore, that while we are generous, we must endeavour also to be just—generous to the Sovereign, but just to the people. But, Sir, what I wish to state is with respect to the mode in which we should endeavour to meet the wishes of the Sovereign. We have been told in the gracious Message which Her Majesty has sent, that she has selected a husband for her eldest daughter; and she calls upon the House to aid and assist her, and so to provide for that daughter as to do honour to the people of England, whose daughter she is, and at the same time to secure the comfort of her child. It must be the wish of the House to meet that sentiment as it deserves, but it is due to the people of this country to recollect that when we are providing for the wants—and that is a strong term—for the wants of the child of the Sovereign, we ought not to press too heavily upon the people we represent. We must recollect that the Princess Royal is only the first of a large family, and that we are now considering a step which will be brought forward as a precedent, and what we do for the Princess Royal we shall be expected to do for the other Princes and Princesses. Now, Sir, we must also recollect that the Royal Lady who is about now to be married to the Prince of Prussia has chosen for her husband no humble, no obscure individual, no private person, but the heir to a great name and a great lineage. She is about to be married to one, who in the ordinary course of life will become one of the great Sovereigns of Europe. She is, therefore, allying herself to a great Power, and we do not intend, I suppose, so to provide for her as that she shall be considered a Royal Queen, who is about to be married, but to provide for her happiness as the wife of the Royal Prince of Prussia. But while we so endeavour to provide for her happiness, we have to consider what are the best means of so doing; and the only reason that induces me to rise and address the House is, the consideration of what has occurred on a previous and similar occasion. On the marriage of the Princess Royal of England, the daughter of George III., the House of Commons of England determined to apportion for her dowry a round sum of £80,000. They determined by this means at once and for ever to discharge this obligation. I know, Sir, that circumstances at that time allowed the then Sovereign to apply to Ireland; I know that an application was made to the Parliament of Ireland, and that they took a different course, and voted to the Princess Royal an annuity of £5,000 a year, thus imposing upon the people of Ireland the obligation of paying an annuity of £5,000, however long that lady might live. In order to express the feelings which, I believe, is held by a great body of my fellow-countrymen, I beg to tell the noble Lord that the course which the Parliament of England then took meets, as I believe, the feelings of the people of England at the present moment. What is desired is, that we would generously, and as befits the people of England, provide for the daughter of England, but that we should make that provision at once by the payment of a certain sum suitable for the dowry of the wife of a Prince of Prussia. It is hoped that there will be no attempt to follow the example of the Parliament of Ireland and to fix the people of England with the payment of an annuity. I have, therefore, ventured humbly and inefficiently to suggest to the noble Lord that he should on the present occasion propose to the Parliament of England the payment of a round sum certain. Let it be a generous sum, but let us not be hampered by an annuity, and let us at once and for ever discharge our obligations. Sir, we must never forget that this Royal Lady is about to be allied to one of the great Powers of Europe. With that Power—may God avert it!—we may be at war. In my own time that has been an event within men's expectations. I cannot forget how, under dynastic feelings, England has recently been treated by Prussia, and, although I have every feeling of respect and deference to my Sovereign, and every desire to meet Her wishes and enable Her to set her daughter forth in happiness, I cannot forget how my country has been treated by that House to which the Princess Royal is about to ally herself. Sir, this being the case, and receiving this as a warning, I say to the House of Commons, do not hamper this country or yourselves by an annuity to be paid every year. Send this Lady forth as a daughter of England ought to be sent forth. Let her have everything that her necessities and her happiness require; let it be done generously, but let it be done once and for ever.

VISCOUNT PALMERSTON: I entreat the House not to enter by anticipation into a discussion upon a proposition which my right hon. Friend the Chancellor of the Exchequer is prepared to submit to the consideration of the House at the proper moment. I make every allowance for the earnestness of the opinions of the hon. and learned Gentleman, but I submit to the House that it is neither consistent with the respect that is due to the Crown nor to the efficiency of our proceedings to discuss a matter which is not yet laid before the House. My right hon. Friend will state the proposal we intend to make, and the reasons upon which it is founded, and when the House knows what we propose, it will then be the fit time to discuss the subject.

House in Committee, Mr. FITZROY in the chair.

The Address in answer to the Queen's Message having been read by the Clerk at the table,

THE CHANCELLOR OF THE EXCHEQUER then rose and said: In rising to request the Committee to redeem the pledge which it has already given in its Address to Her Majesty, and to take into consideration Her Gracious Message respecting the marriage of the Princess Royal, I trust that I need not say one word to them to entreat hon. Members not to suffer their judgment in any way to be anticipated by the remarks which they have just heard from the hon. and learned Gentleman, but to enter into the examination of the question with unbiassed minds, and to form their opinion upon the facts and arguments which it will be my duty to submit to them. Before I proceed to state the proposition which I shall presently place in the Chairman's hands, I beg the Committee to allow me to explain to them the nature of the arrangement under which the Sovereign and the Royal Family are provided for, in respect to their maintenance and their pecuniary means, under our constitutional laws and regulations. My hon. Friend the Member for Sheffield (Mr. Roebuck) said that this was an occasion on which we ought to be just before we are generous. Now, in the proposition which I have to submit to the House I shall not appeal merely to their generosity. What I have to put before them will address itself to their sense of justice. It is well-known to the Committee that in former days the Crown of this country possessed large hereditary estates and revenues, and that the entire expenses of the Sovereign and his family were defrayed out of those revenues, which were regarded as the inherent property of the Crown. By a succession of constitutional compacts those hereditary revenues have been surrendered to Parliament, which at the same time engaged to make an adequate provision for the dignity and the honour of the Crown, and for the maintenance of the Royal Family. During the last century the surrender of those revenues was partial, but since the reign of William IV. that surrender has been entire. It has been deemed a matter of policy in this country wholly to strip and denude the Sovereign of all hereditary property, and to render him during his life entirely dependent upon the bounty of Parliament. We see that in foreign States possessing free insitutions this constitutional jealousy has not been observed. It is well known that after the expulsion of Charles X. from his throne, and the succession of Louis Philippe, the latter was not called upon to surrender the large possessions which he inherited as the head of the House of Orleans, but retained them as King of France, and, indeed, retained them for some time after he had ceased to be the Sovereign of that country. A similar arrangement exists in the kingdom with which the Princess Royal is about to contract a matrimonial alliance—I mean Prussia. Although the kingdom of Prussia possesses constitutional forms, and is governed by a Parliament associated with the King, nevertheless the Royal family has a hereditary provision which renders it independent of the votes of the Prussian Parliament. In England a different course has been followed, dictated by a constitutional jealousy of the overweening power of the Crown. The Crown has been deprived of its hereditary revenues. But in consequence of that deprivation there arises on the part of Parliament a corresponding obligation to make a sufficient provision for the maintenance and the dignity of the Crown and Royal Family. Therefore, on occasions of this kind, when it is the duty of the Executive Government to appeal to this House to make provision for those wants of the Crown which have not been included in the settlement of the Civil List, an obligation arises not merely of generosity and bounty on the part of this House, but one of strict justice, owing to the arrangement which has been made with respect to the hereditary revenues of the Crown. With the view of showing the position of Her present Majesty in regard to her income and expenditure, I will state to the Committee the arrangements of the present Civil List, and then contrast them with the Civil List of King George III., with which it appears to me most naturally to come into comparison; for this reason, that Her Majesty has a numerous family growing up and to be provided for. The same was the case with King George III., but it was not the case with any of the Sovereigns intermediate between King George III. and Her present Majesty. Now, the Committee ought to be informed that the comparison of the Civil List of King George III. with that of Her present Majesty is not a perfectly simple question, inasmuch as the Civil List of King George III. was founded on principles different from those on which the Civil List of the present reign was constructed. Agreeably to the arrangement by which not only the personal expenses of the Sovereign, but also various branches of the civil government were charged upon the hereditary revenues of the Crown, the Civil List of King George III. included several important heads of expense not comprised in the present Civil List—such expenses, for instance, as the salaries of the Judges and those of the diplomatic Agents abroad. Therefore, in order to make the comparison fair, it is necessary to extract those items only of the Civil List of King George III. which correspond with the Civil List of the present reign. I have made that extract, and it is as follows:—

"Civil List of George III.

	Per annum.
Privy purse	£60,000
Household bills	236,000
Ditto salaries	121,000
Ditto other salaries	16,905
Royal bounty, &c.	13,531
Total	447,436"

Thus £447,436 per annum was nearly the corresponding charge for the Civil List of King George III., as contrasted with that of the present reign. With the permission of the House I will make a short quotation from the *Commentaries* of Sir William Blackstone, in which he expresses his opinion upon the Civil List of King George III. And the Committee will see on this comparison whether the Civil List of Her Majesty may or may not be deemed moderate. This passage was written near the beginning of the reign of King George III., and it conveys the opinion of a very competent authority on that arrangement. Sir William Blackstone, in vol. 1, page 335, says:—

> "And though complaints have sometimes been made of the increase of the Civil List, yet, if we consider the sums that have been formerly granted, the limited extent under which it is now established, the revenues and prerogatives given up in lieu of it by the Crown, the numerous branches of the present Royal Family, and (above all) the diminution of the value of money compared with what it was worth in the last century, we must acknowledge these complaints to be void of any rational foundation, and that it is impossible to support that dignity which a King of Great Britain should maintain with an income in any degree less than what is now established by Parliament."

This was the judgment of one who may be taken as a competent witness on the moderateness of the Civil List of King George III. Let me now compare with that Civil List the items of her present Majesty's Civil List. The Civil List of the Queen is as follows:—

“1st class,	Privy purse	£60,000
2d „	Salaries	131,260
3d „	Household expenses ...	172,500
4th „	Royal bounty, &c. ...	13,200
5th „	Pensions	—
6th „	Unappropriated ...	8,040
	Total	385,000

The present salaries are £10,000 more than the allowance in the reign of George III. But then the Committee must bear in mind this fact, that at that time there was an extensive system of perquisites, gratuities, and fees paid to members of the Royal Household, and even I believe to the servants of that Household. Therefore, taking into consideration that system, the allowance for salaries was even greater than it is now. The total amount of the present Civil List is £385,000, as compared with £447,000, the amount of the Civil List of George III. Now, having stated the comparative amount of those two Civil Lists, I will, with the permission of the Committee, next call their attention to certain other facts which are material to the question before us. In the first place, King George III. did not surrender the whole of his hereditary revenues. Therefore, in addition to the allowance made for the Civil List he had certain hereditary revenues, out of which a portion of his expenses were defrayed. It appears that not less a sum than £12,705,461 was placed at the disposal of the Crown from the hereditary revenues during the reign of George III. Of this sum £2,600,000 was applied to the public service, and £3,372,834 was appropriated in payment of prize money during the war, leaving a sum of not less than £6,732,627 applicable to the expenses of the Sovereign. The Committee will therefore observe, that in addition to the Civil List provided by Parliament and payable from Parliamentary funds to King George III., he received in the course of his reign a sum of about six millions and a half, the whole of which has been surrendered by Her present Majesty, and no portion of which is receivable by her family. In addition to this, George III. received, during the minority of the Prince of Wales, the revenues of the Duchy of Cornwall. A different course has been pursued during the reign of Her Majesty; the whole of the revenues of the Duchy of Cornwall have been set apart for his Royal Highness the Prince of Wales, and a portion of them has been applied to the expenses of his education and maintenance, but the whole of the surplus has been invested for his future benefit. That source of revenue, therefore, which was enjoyed by His Majesty King George III. has not in any respect accrued to our present Queen. But, in addition to this source of revenue which King George III. possessed, but which Her Majesty does not possess, there was at the same time carried on by the King and the Royal family a system of incurring debts to a large extent, which this House was called upon to pay—a system from which the reign of Her Majesty has been altogether exempt. The Civil List at that period was treated as a very elastic fund, considerable debts were incurred in various branches from year to year, and at certain periods the Executive Government came down to Parliament and proposed votes in Committee of Supply to pay off the debts of the Civil List. It is true those debts included the expenses of the civil government as well as the personal expenses of the Sovereign. There might be, for instance, some extraordinary payments for diplomatic purposes or other similar objects, and these would be voted in a general sum, together with the payments for the personal expenses of the Sovereign. It is therefore impossible, on merely looking at the votes for the excesses of the Civil List at that period, to define, without examination, what portion of them were for the personal debts of the Sovereign; but a considerable portion of them were undoubtedly voted for that object. I will trouble the Committee with merely a short statement of the amount of debts on the Civil List paid during the reign of George III. I think they will be surprised at the large amounts that were thus defrayed, and the frequent appeals which must have been made to the liberality of Parliament for what was in fact an increase, to a great extent, of the allowance to the Sovereign fixed by the Civil List. They were as follows:—

In 1769	£513,500
1777	618,300
1784	60,000
1786	210,000
1802	990,000
1804	591,000
1805	10,400
1814	118,800
1816	185,000

Making altogether for votes granted by this House for excesses in the Civil List in the reign of George III. not less than £3,297,000. But I do not mean to say that the whole or even half that sum was for the maintenance of the Royal Family.

I have already stated that some parts were applied to purposes connected with the State; but a considerable portion of it was, in fact, an augmentation of the expenses of the Sovereign as fixed by the Civil List. In addition to the sums which I have stated, George III. received certain indirect benefits from the cessation of charges for annuities to members of the Royal Family which had been fixed upon the Civil List. In addition to the allowance made to King George III. on his accession, the following allowances were added to the Civil List — namely, the Princess Dowager of Wales, £50,000 a year; the Duke of Cumberland, £15,000 a year; and the Princess Amelia, £12,000 a year, making altogether £77,000 a year. On the cessation of these annuities from natural causes the Civil List was, in fact, relieved to that extent. There were also other charges of a similar nature for the younger branches of the Royal Family, which, by a similar cessation, benefited the privy purse of the King, or at all events the Civil List, to the extent of £36,000 a year. Therefore the result of what I have stated is, that George III. during his life received from the un-surrendered branches of the hereditary revenues £6,732,627, and from special grants, £3,297,000, making altogether £10,029,627. A considerable portion, no doubt, of the hereditary revenues was applied to the expenses of the civil government charged on the Civil List; but I am unable to state the precise portion. Nevertheless, another considerable portion was in aid of those branches of the Civil List which were destined for the maintenance and benefit of the Sovereign. The Civil List also benefited by the cessation of annuities to the extent of £113,000 a year, as I have already mentioned. Besides the greater magnitude of the Civil List, which I have already explained, there were other allowances which George III. possessed, and by the non-possession of which Her present Majesty is placed in a less favourable position. The annuity to Queen Charlotte, the Queen Consort, was originally fixed at £58,000 a year, but at the commencement of the malady by which George III. was afflicted, it was increased by £10,000, making altogether £68,000 a year; whereas, the annuity of the present Consort, Prince Albert, is only £30,000 a year. Allowances were likewise made for the maintenance of the children of George III. from an early age. No such allowance has hitherto been asked for on behalf of Her Majesty. There were allowances made for the education and maintenances of the Prince of Wales and the Duke of York, from an early period, and also for other members of the Royal Family. At a later time ample provision was made by Parliament by successive arrangements for the maintenance and education of the Princess Charlotte by grants to the Prince Regent, whereas nothing has been asked for the education of the daughters of the Queen. In 1801 the Civil List debts for the support of the Princess Charlotte were £21,967, and they were voted in 1802. On the 4th of June, 1801, the Prince of Wales was allowed out of the Civil List £6,000 a year for the Princess Charlotte when she was five years old, and that was continued until her marriage with Prince Leopold. By the 145th chapter of the 46th year of the reign of George III. a further sum of £7,000 was allowed to the Princess Charlotte. In 1813 further annual sums, varying from £1,400 to £1,800, were paid to the Princess out of the Civil List. In 1801 a sum of £28,635 had been incurred on account of the younger branches of the Royal family. These examples prove that at that time we were in the habit of making allowances for the maintenance and education of younger branches of the Royal family even from an early age, but of such allowances we have hitherto had no instance in Her Majesty's reign. Her present Majesty has been subjected to large expenses of a public nature, which could scarcely have entered into the consideration of Parliament when the Civil List was arranged, with regard to which, however, she has made no claim upon this House, although assistance for similar purposes was granted in former reigns. I allude particularly to the visit which Her Majesty paid to the Emperor Louis Napoleon, at Paris—a visit which was purely for public and State purposes, and not for her individual pleasure—(laughter). With great deference to the Committee I repeat that visit was not made merely with a view to the private and personal gratification of the Sovereign, but for the public good, as was well understood at the time, and it was accepted by the Emperor Napoleon as a public, national, and State visit. I can hardly conceive that it is a novel idea to the Committee that the visit of our Sovereign to the Sovereign of a foreign country is not so much for that personal gratification which a private individual enjoys in visits, but rather for a more general and political object. Similar visits were made by His Majesty King George IV. to his electoral dominions of Hanover, and to Scotland and Ireland; but, instead of the expense of those visits being defrayed exclusively from the Civil List, he received in 1821 from the Admiralty droits a sum of £40,000, and in 1822 a sum of £52,970. There is also a large expenditure which in former reigns was defrayed out of the Civil List, or in some cases out of the civil contingencies fund. I allude to the expenses attending the visits of foreign Sovereigns and foreign Princes to this country. In former reigns, too, there were considerable charges on account of the erection of palaces for the Sovereigns, whereas Her Majesty has out of her own purse paid for furniture and repairs at Buckingham Palace one amount of £12,800 and another of £21,300. I beg also to remind the Committee that her Majesty has done that which by law she was not bound to do. It appears, that while on the one hand Her Majesty has voluntarily subjected herself to expense under these heads, the Civil List has, on the other, been diminished by a payment of £6,180 per annum for income-tax in time of peace, and of £15,500 per annum in time of war. The Committee will thus see that while on the one hand the allowance to George III. was much greater than the allowance to Her Majesty, she on the other has undertaken various expenses which George III. was not called on to defray. That being the case, I think I have shown the Committee good grounds for coming to the conclusion that the provision which I shall ask them to make with regard to the Princess Royal is one which appeals not merely to their generosity but also to their sense of justice. Without dwelling on this subject, I would remind the House that Her Majesty has on no occasion since the commencement of her reign made any appeal to this House for the payment of debts, that her household has been carried on with a strict regard to economy, that she has maintained her establishment within the income allowed by Parliament, and that she has to the very letter fulfilled her duty as a constitutional Sovereign, which, in this respect, consists in observing with perfect strictness and integrity the contract made with her at the beginning of her reign as an ample provision for her annual expenses. In making comparisons I may seem to disparage former Sovereigns of this country—this I have no wish to do; but I cannot refrain from calling the attention of the Committee to the example which Her Majesty has set, at all events, to all future Sovereigns in the strictness and integrity with which she has discharged that obligation. The Committee are aware that the Civil List arranged at the commencement of the present reign makes no provision for the younger branches of the Royal family, and that it makes no provision for such an event as that now contemplated—viz., the marriage of Her Majesty's eldest daughter. It makes provision only for the duration of the Queen's life—which provision will entirely cease when another Sovereign succeeds to the throne, and the hereditary revenues of the Crown are resumed by him. Therefore, in the event of the House making any provision which shall endure for the life of the Princess Royal, it is necessary that a special grant should be made in her behalf. As the hon. and learned Member for Sheffield has adverted to precedents, I will take the liberty to call the attention of the Committee to two precedents [*a laugh*] which bear on this case. The first precedent is that of the Princess Royal, daughter of George II. [*Great laughter.*] I am at a loss to understand why hon. Gentlemen laugh. It may provoke the merriment of the House to call its attention to a precedent of this kind, but if I do not, perhaps I may be taunted with having kept back from the House information which it is desirable it should possess. I am not bound to give hon. Gentlemen information on matters of history, but surely the accession of the House of Hanover is not an event so remote that my allusion to the second monarch of the line should provoke merriment, or that it should be a matter of surprise when I refer to precedents in that reign as not inapplicable to the present case. The Princess Royal, the daughter of George II., formed in 1734 a marriage with the Prince of Orange, which, though hon. Gentlemen seem entirely to have forgotten it, very much interested the nation at that time, and was received with great joy and congratulation. The question, however, to which I wish to direct the attention of the Committee is the provision which was made by Parliament on that occasion. An annuity out of the Civil List of £5,000 per annum was granted for life, and an Act of Parliament—namely, the 7th of *Geo.* II.—was passed for that purpose. In addition to the annuity so fixed she had a dowry of £80,000, raised by the sale of certain lands in one of the West India islands, and that under the sanction of another Act passed in the 6th of *Geo.* II. The Princess Royal, the daughter of George III., received a similar provision when she married the Hereditary Prince of Wirtemberg in 1797. She received a dowry of £80,000 and an annuity of £5,000 from the Irish Parliament. On the consolidation of the two Exchequers this annuity came to be paid from the British exchequer, and I may further mention that one-half of the larger portion given to that Princess was settled upon her children. In submitting our proposition with respect to the provision for the marriage of the present Princess Royal we have followed as nearly as possible these two precedents; but, on account of the difference which exists in the circumstances of this marriage, we have altered the proportion which the annuity bears to the marriage portion. If the Government had thought it desirable to agree to the suggestion of the hon. and learned Member for Sheffield to reject altogether the plan of an annuity, they might have proposed a sum which, when invested, would have produced a sufficient annuity for her Royal Highness, and which at her death would have accrued for the benefit of her children. That seems to have been the idea which dictated the proposition of so large a portion as £80,000 in the case of the daughter of George III., on her marriage with the Hereditary Prince of Wirtemberg, but, inasmuch as the person with whom her Royal Highness the present Princess Royal is about to contract an alliance, is the eldest son of the heir presumptive to the throne of Prussia, it may be presumed that a similar provision for children is not desirable, and the Government have thought it more fitting to propose an annuity of £8,000 and a marriage portion of only £40,000. This provision may be regarded in a double point of view, either as a sum voted by Parliament or as a sum providing a certain benefit for Her Royal Highness the Princess Royal. In the case of the provision which was made in 1797, the sum of £80,000 was invested in the name of trustees in the English funds, and on account of the low state of Consols at the time—under fifty, I think,—it produced £165,000 stock, the income arising from which was £4,950. Therefore, taking the annuity granted by the Irish Parliament into account, the provision made for the then Princess Royal amounted to nearly £10,000 a year—an income much larger than that which we now propose. I trust that the Committee will, on reflection, agree that this is a reasonable and moderate provision for her Royal Highness. In cases of this sort it is vain to hope for perfect unanimity; some persons may wish to make the annuity smaller and the marriage portion larger, but on the whole I think the proposal which I have made is reasonable and moderate, and I hope the Committee will not diminish the graciousness of its act by minute criticisms upon the proportions which the marriage portion and the annuity bear to each other. Perhaps, before I sit down I may be permitted to call attention to the fact that Prince Frederic William of Prussia, whose alliance with her daughter Her Majesty has sanctioned, is not an alien in blood to the Royal Family. He is a descendant in the direct male line from a daughter of George I., and is, in truth, within the limitation of the Act of Settlement, inasmuch as he is a descendant of the Electress Sophia, being a Protestant; and the alliance, therefore, which her Royal Highness is about to contract is in complete accordance with the recognised policy of this country, and the principle on which the succession to the Crown of England rests. I hope, therefore, that the Committee will have no hesitation in agreeing to this proposal. The rules of the House make it necessary that I should move the Resolution relating to the annuity in this Committee, and that relating to the marriage portion in Committee of Supply, but that is merely a matter of form, and it will only be necessary, after agreeing to the first Resolution, for the Speaker to take the chair in order to enable us to pass into a Committee of Supply.

Motion made, and Question proposed, "That the annual sum of eight thousand pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said annuity to be settled on Her Royal Highness The Princess Royal, for her life, in such manner as Her Majesty shall think proper, and to commence from the date of the Marriage of Her Royal Highness with His Royal Highness Prince Frederic William of Prussia."

Mr. ROEBUCK: Sir, I rise to move an Amendment to that Resolution. I propose that this Committee do make provision for Her Royal Highness by a sum certain, and not by way of an annuity. It appears to me that to make provision by way of annuity will get us into very great difficulty, and that we shall be thereby entering into what our cousins across the water would call the "entangled alliances." If we at once provide for the Royal lady by means of a sum certain, we at once discharge all the obligations we owe to the Sovereign, we provide completely for the happiness of this Royal lady, and we do not subject ourselves to the misfortune of considering this Vote annually, and thus create an annual grievance. Now, the right hon. Gentleman the Chancellor of the Exchequer said that upon the accession of William IV. all the hereditary revenues of the Crown were given up. But surely that is an error. Every year there is paid into the privy purse out of the Duchy of Lancaster a sum of £20,000; and I recollect perfectly well, from having been a student of Lord Grey's Administration, that previously to that noble Lord's coming into power, and when the Duke of Wellington was Prime Minister, it was proposed to give up all the hereditary revenues of the Crown, and I remember Mr. Brougham complimenting the then Ministry, as well as William IV., upon the magnanimity of such conduct. But I also remember full well that he was obliged to call back his words, for the whole of the hereditary revenues were not given up, as the Duchy of Lancaster was retained; and, therefore, to say that the position of Her present Majesty is different from that of George III. is not quite so correct. Again, take the Duchy of Cornwall. It is true by a certain wise regulation a sum has accumulated for the future provision of the Prince of Wales. I acknowledge that; and I am told that the annual net revenue of the Duchy amounts to £26,000. Therefore, I suppose, when the Prince of Wales comes to his majority he will have a large sum at his command, although a certain amount has been allocated for his education. But surely the doings of George III. are not to be brought before this Parliament as an example. The doings of an unreformed Parliament are not to be brought forward for this Parliament to follow. Anything more preposterous than the doings of George III. and his Parliament cannot be conceived; and so preposterous was conceived to be the mingling up the very heterogeneous materials comprising what is called "the Civil List," that when Lord Grey came into office—my right hon. Friend behind me (Sir J. Graham) will recollect the circumstance—upon the Motion of Sir H. Parnell a Resolution was carried against the Ministry, separating the Civil List, and discarding from it altogether what was not connected with the personal consideration and comfort of the Sovereign; and from that time the Civil List has been conducted upon rational principles. Parliament knows what it has been voting—that it has voted a sum for the personal comfort of the Sovereign, and to meet the social requirements of her station. It should be remembered that every year we pay the Sovereign of this country a sum of very nearly £400,000. For her Consort we have provided; and not only have we given him £30,000 a year, but many lucrative situations. We have generously built for Her Majesty what I will not call a magnificent palace, for I ought to term it an abortion —(that, however, is not our fault)—but which has cost the nation a great sum of money; and measuring the result by the sum it has cost us, it is a great thing for us to have done. I would ask, therefore, is there one thing wanting to Her Majesty's comfort? Has there been one thing wanting to the comfort of her Consort or her Family? Have we not been to her Majesty a generous nation, and has she not deserved that generosity? She has shown herself worthy of the people over whom she rules, but we have shown ourselves worthy of her. I say that we have dealt out with no niggard hand everything required for her comfort and honour. I will not follow the right hon. Gentleman into his talk as to how little she has expended upon her journeys. I will not enter into the question how far those journeys have been for her pleasure or for the profit of the country. I should hope they were combined. But, Sir, looking to the future, I repeat the phrase—we have a large family to provide for. And it is somewhat too inconsiderate that we, who represent the hard-working, hard-handed, and often sorrowing people, should be unmindful of our obligations and be content with casting our eyes upwards and paying all deference and adoration to those in power and position. Sir, as the representatives of the hard-working people of England, we are bound, to be just before we are generous—I never said we were—but while we are generous we are bound also to be just. Therefore I will move, by way of Amendment—

"To leave out all the words after the word 'that,' for the purpose of inserting these words—'in the opinion of this Committee a suitable marriage portion be granted to Her Royal Highness the Princess Royal in lieu of an annuity.' "

MR. W. WILLIAMS seconded the Amendment. He fully agreed with the hon. and learned Member for Sheffield, and begged to assure the Committee that he had known no question relating to the expenditure of the public money in which the people of England had taken so deep an interest as they had in this subject. The desire out of doors certainly was, that a round sum, and not an annuity, should be paid to Her Royal Highness. He was anxious to deal liberally with this question, but he should like to be informed whether the Government intended to continue the payment of this annuity of £8,000 to the Princess Royal, after she became Queen of Prussia. Nothing could be more offensive to the people of England than the payment of money raised by taxes levied upon them to the Queen, either of Prussia or of any other foreign country; and it was worthy the consideration of the Government whether this annuity—if an annuity were granted—should not cease when Her Royal Highness became, as she probably would, Queen of Prussia. Was the Queen of Prussia to become a pensioner of England? [*Cries of* "Divide! divide!"]

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this Committee a suitable marriage portion should be granted to Her Royal Highness the Princess Royal, in lieu of any annuity."

THE CHANCELLOR OF THE EXCHEQUER: The proposition of the hon. and learned Gentleman is very difficult to deal with, because he does not state what gross sum he proposes to give, as a dowry, to Her Royal Highness. He has not stated that the proposition of the Government is an unreasonable one; and if he proposes to give a sum which will produce anything approaching to the annuity suggested by the Government, he must increase the sum to be voted in Committee of Supply to a very large amount. Allow me to say that, although he professes to speak for the poor taxpayer, he would, according to his plan, make a bargain which would be exceedingly disadvantageous to the public. He proposes that a large sum of money should be invested in the hands of trustees who should pay the interest to Her Royal Highness, and that at Her death the principal sum should be divided among Her children as She may appoint. What I propose is, that the larger part of the grant should be in the form of an annuity terminating with the life of Her Royal Highness; and thus, at Her death, a large portion will revert to the nation. We have diminished the proportion which in the case of the two Princesses Royal, the daughters of George II. and George III., the marriage portion bore to the annuity, for the express reason that it appeared to us desirable to increase the part of the grant which would cease with the life of the Princess Royal, and to diminish that which would be granted to Her and Her descendants in perpetuity. With reference to the objection which has been made to granting an annuity, let me for a moment call the attention of the Committee, in the first place, to the fact, that that has been the way in which former Parliaments have provided for the members of the Royal Family; and in the next place, to the great reduction which those annuities have undergone since the accession of Her present Majesty. The annuities granted or increased and those which have dropped during Her Majesty's reign, are shown by the following table:—

Annuities Dropped.

1837.	Duchess of Kent and Princess Victoria	£22,000
1840.	Princess Elizabeth	13,000
	Princess Augusta	13,000
1843.	H. R. H. the Duke of Sussex	21,000
1845.	H. R. H. the Princess Sophia of Gloucester	7,000
1848.	H. R. H. the Princess Sophia	16,000
1849.	Queen Adelaide	100,000
1850.	H. R. H. the Duke of Cambridge	27,000
1852.	H. R. H. the Duke of Cumberland, late King of Hanover	21,000
1857.	H. R. H. the Duchess of Gloucester	16,000
		£256,000

Annuities Granted or Increased.

1839.	The Duchess of Kent	£30,000
1840.	Princess Sophia	3,000
	Princess Mary, Duchess of Gloucester	3,000
	H. R. H. Prince Albert of Saxe Coburg and Gotha	30,000
1850.	H. R. H. the Duke of Cambridge	12,000
	H. R. H. the Princess Mary of Cambridge	3,000
	H. R. H. the Princess Augusta, now Duchess of Mecklenburg-Strelitz	3,000
	The Duchess of Cambridge	6,000
	Granted	90,000
	Saving	166,000
		£256,000

Diminution of charge £166,000

The Committee must see that if they accede to the proposal now made for granting an annuity of £8,000, the charge on the Consolidated Fund will be slight indeed compared with what it was at Her Majesty's accession to the Throne. In reference to the objection of my hon. and learned Friend (Mr. Roebuck), that in the event of a war with Prussia there would be an impropriety in paying this annuity, I am unwilling to contemplate any such contingency; but I would call the attention of the Committee to the fact, that during the late war with Russia, this nation, true to its financial engagements, continued to discharge the interest of the Russian loan, which was an international obligation very different from that which would exist towards an English Princess. With these explanations, I trust that the Committee will have no difficulty in agreeing to the original Motion.

SIR CHARLES NAPIER said, that it appeared to him that before the House settled the dowry of Her Royal Highness, they ought to be informed what settlement the King of Prussia intended to make upon his nephew. That was the practice in matrimonial alliances entered into between private families, and he did not think that a practice so salutary ought to be departed from.

LORD JOHN RUSSELL: I confess, Sir, this matter which we have now before the Committee appears to me to be sufficiently simple. When Her Majesty came to the Throne the arrangement that was made was not, I conceive, as it has been represented by the hon. and learned Member (Mr. Roebuck), one of extraordinary generosity, but a sum was fixed which it was conceived was a fit and proper sum to support the Royal dignity—a sum which, as a Sovereign coming to the Throne of these realms, she ought to receive to enable Her Majesty to defray in a fitting manner the expenditure of the Throne of England, and to maintain it with that dignity and splendour which becomes the Throne of such a nation. That settlement was made on the just principle, as I think it was, which was established by Lord Grey and Lord Althorp, that instead of having a Civil List, of which part should go for the maintenance of the Royal Household, part for the Judges' salaries, part for the salary of the Speaker of this House, and another part for the salaries of the Diplomatic Service—we should have a Civil List that should contain only those sums that should be granted—first for the Privy Purse of the Sovereign, and next to defray the charges of the offices of the Lord Chamberlain and the Lord Steward, and to maintain the Household of Her Majesty. Those charges were separated which had theretofore, to the confusion of the public accounts, been mixed up with what may be called the personal expenditure of the Sovereign, and the Civil List so settled on Her Majesty was the amount which was considered by Parliament a fit sum for the nation to grant for providing for the personal comfort and for maintaining the personal dignity of the Crown. I do not concur with the hon. and learned Gentleman when he says we have been showing extraordinary generosity in our pecuniary transactions with the Sovereign of this country. Since the settlement to which I have referred was made, we have had no pecuniary transactions with the Sovereign of these realms. Her Majesty has done what she ought to do, and which the nation cheerfully acknowledges, in observing that prudence and economy in the conduct of her Household—in taking care to guard against unnecessary expense, which might have rendered it necessary for her to come to this House to ask us to pay debts which she had thus contracted. She has maintained the splendour and dignity of the Throne, and the dignity of the nation as represented by the Throne, in a fitting manner, without asking Parliament for any increase over the sum originally fixed. That being the state of the case, we have now, after twenty years, an occasion when Her Majesty does apply to Parliament. That occasion is the extraordinary one of her beloved daughter being about to be married. Her Majesty having sanctioned a match in every way suitable for that daughter—a match, I believe, of affection—with the Prince of a Protestant country, a Prince of the Royal House of Prussia, it is necessary that some provision should be made for the Princess on that occasion, and accordingly we have a message sent down from the Crown for that purpose. It appears to me that the best way we can deal with this message is, if there is nothing preposterous or extravagant in the proposal of the advisers of the Crown, to agree to it, and to make that provision which Her Majesty's advisers ask at our hands on Her Majesty's behalf. As far as I am concerned £40,000 as a capital sum paid down, and an annuity of £8,000 a year, appears by no means an extravagant proposal for the eldest daughter of the Queen of England on her marriage with a Prince—it having been always the custom that the eldest daughter should be provided for somewhat more liberally than the younger members of the Royal Family. The hon. and learned Gentleman proposes to give one large sum instead of the annuity as a dowry for Her Royal Highness. I confess that I see no advantage in that proposal. On the contrary, it rather appears to me—I having no great wish to prefer the one mode to the other, except on the ground of public advantage —it appears to me that as the Princess Royal on her marriage will not be placed at once in that affluent position that will give her a very large income, it is desirable that on her first commencing married life she should have such an annuity—such an income provided by Parliament as may befit the nation to which she belongs, and evince the affections which the people of that nation entertain towards their Sovereign, her mother. So far from concurring with the hon. and learned Gentleman that we are not, in agreeing to this proposition, acting for the advantage or in accordance with the wishes of the working classes of the people, I believe there is no class so poor that it is not ready to show its affection to the Sovereign by responding to Her Majesty's appeal, and that will not be willing to evince that affection by making, not an extravagant, but a reasonable provision for her eldest daughter on her marriage. Therefore I shall, for one, take no other course on this occasion but agree to the Motion of the Minister of the Crown. If, instead of making the proposal they have made, they had proposed the payment of a capital sum, giving their reasons why that course should be preferred, I should have listened to those reasons. But the Chancellor of the Exchequer has given reasons why it is desirable that an annual sum should be given to the Princess Royal, and has stated very truly that in future years, if she should be blest with a family, there will not be any occasion for a large sum to be settled upon her children, as in the case of the Princess of Wirtemberg. I have not much acquaintance with that distinguished Royal Family with which Her Royal Highness is about to be connected, but I have the honour of knowing something of Prince Frederic William of Prussia, and I can safely say that a Prince more faithful to his word—more eminent for his good qualities—I have never met. He is a gallant and distinguished Prince, and I only ask further to be permitted to express a hope that her Royal Highness the Princess Royal, on leaving this country, and that home where she has been brought up in the practice of every domestic virtue, and where the moral example has been as high as is to be found in any class in this kingdom, that in going from thence to the home of the Royal Family of Prussia she will find a home as virtuous and honourable as that she has left, and that her remaining days may be passed in happiness, and the practice of those domestic virtues which she has here acquired.

MR. ROEBUCK: There was something in the tone of the noble Lord which seemed to imply that I was finding fault with the magnitude of the dowry proposed. Now, Sir, I think that I began by saying that I believed it to be the desire of the House to provide for a daughter of England in a manner befitting her honour and our own; and I stated that this House had never dealt with the Sovereign in a niggard spirit. I think, therefore, that the noble Lord in speaking as though I had entertained and expressed a different wish, was somewhat unfair. All that I propose is that the sum to be given should be given in a different manner. Now, what the Government proposes to give is equivalent to £216,000—["No, no!"] I beg pardon,—but I will rather trust to the official tables than to the authority of the hon. Gentleman who said "no, no!"—twenty-two years' purchase of the annuity added to the capital sum of £40,000 amounts to £216,000. Now, the right hon. Gentleman the Chancellor of the Exchequer has stated that the fixed sum must be voted in Committee of Supply, and therefore I am not called upon to make any suggestion with regard to that sum in this Committee. The House is capable of judging what sum is necessary, and I am certain that the provision which it will make, whatever may be the form in which it is made, will be worthy of the House and of Her Royal Highness; but, for my own part, I am persuaded that we should best discharge our duties and consult the honour and comfort of the Royal lady most nearly concerned by acceding to the modification I have proposed, and fixing a certain capital sum. The question is one upon which different opinions may exist; but I do not think that any imputation can rest upon me for the course which I have felt it my duty to pursue.

Mr. BASS thought the hon. and learned Gentleman's arguments would be as applicable against a fixed sum as against an annuity. At his time of life he would rather pay an annuity of £8,000 a year than a capital sum down of £170,000. He thought there were many considerations in favour of the annuity combined with a capital sum instead of a larger capital sum only. They could not but recollect that Prussia, though a prosperous kingdom, had within the last few years suffered great convulsions. They could not tell what might again happen in that country, or whether we might not see the Princess back again amongst us. It was within the limits of possibility—but whatever might happen, Parliament would have a certain amount of control over the sum that was paid as an annuity. He did not mean that Parliament would ever withdraw one farthing of it, but it was possible that circumstances might arise, when the control it possessed in voting the money every year might be usefully exercised.

Mr. CLAY thought the Committee ought not to divide until they understood the question upon which the division was to take place. He should therefore wish to know from the hon. and learned Member for Sheffield whether his objection was to the amount of the sum proposed or merely to the mode in which that sum was to be paid; for he seemed to have no objection to a provision being made. An explanation on this point would guide the votes of many hon. Members.

Mr. ROEBUCK: I have not the slightest hesitation in saying, Sir, that my objection is both to the amount and to the manner in which it is proposed to be paid.

Mr. DISRAELI: The Chancellor of the Exchequer expressed his opinion that upon a subject like this unanimity could not be expected; but I confess it seems to me to be one of those subjects upon which unanimity, if possible, is most desirable. So long as the question before us was merely as to the form by which the intentions of the Committee were to be carried into effect, the issue appeared to me of a very narrow character, and until the last declaration of the hon. and learned Member for Sheffield, I was in great hopes that the Committee would have come to a decision without, what I may call on this occasion, the painful ceremony of dividing. But, as I understand now, the hon. and learned Gentleman not only objects to the form, but to the amount of the grant proposed, I could hardly allow the division to take place without troubling you with one or two observations. I have always felt, for my own part, that the Crown of England is placed in a somewhat painful position when obliged to make appeals on this or analogous subjects to the liberality of the House of Commons. But, on the other hand, it becomes us always to remember what is the cause of those appeals, and what is that power in the state which renders them necessary. It is the jealousy of Parliament carried, in my opinion, too far and too rigidly, which has rendered it necessary on every occasion to make those appeals to its aid and assistance, sometimes on matters comparatively insignificant. Remembering that it is the jealousy of Parliament which renders such appeals necessary, it becomes us to consider them in a cordial and generous spirit. Sir, I will not follow the Chancellor of the Exchequer in those ample and minute details which he has offered to the Committee, as to the pecuniary position of George III. Unquestionably there was a broad difference in the relative situations of our present Monarch and of her grandfather. There is no doubt there were sources of supply in the Civil List of George III. which Her Majesty has not had the advantage of. Neither can it be forgotten that, independently of those supplies to which the right hon. Gentleman has referred, Her Majesty has lost the revenue derivable from the kingdom of Hanover, which her predecessors enjoyed. It must also be recollected that, during the twenty years of Her happy reign, no appeal whatever has been made to us in consequence of any debts incurred by the Civil List; while there has been, as the noble Lord the Member for the City of London reminded us, a splendid hospitality maintained, which, after all, concerns the honour and the dignity of the country. Nor can I agree with the hon. and learned Member for Sheffield, that the Civil List, as settled upon the accession of Her Majesty, was a certain sum intended only for the advantage of Her Majesty, and the comfort of the Royal Family. On the contrary, I think that there were other considerations concerned in the settlement of that Civil List than the mere comfort of the Royal Family. There was a high ceremonial and an etiquette of state to be maintained, which concerned the dignity and the honour of the country quite as much as it concerned the convenience and the happiness of Her Majesty. Taking all these matters into consideration—does it not come to this, that we are now merely discussing a point of a trivial character—calculations as to what may be the value of an annuity, or whether it would be desirable that this settlement should be made through the medium of a particular machinery. I think that man must have great confidence in his own opinion if he feels himself justified in taking upon himself the responsibility of laying down as a primary principle the most advantageous way of carrying this settlement into effect, either by a round sum, as the hon. and learned Gentleman the Member for Sheffield has termed it, or by the mixed process which has been proposed to us by the Government. If it be generally agreed upon that this is a proper appeal, and that we are all willing to respond to that appeal, and desire that it should be carried into effect—if there be a question in which confidence ought to be placed in the Government—a question in which we should defer to the opinions of those who it is reasonable to suppose must have given to it the most mature consideration, I think it is a question of this nature. That being so, I think it is most desirable, and the most gracious course upon an occasion like the present, that there should be no division upon any point of a trivial character. If the principle of the grant were opposed —if there were any denunciations uttered on the ground of its extravagance—I could easily understand the meaning of an opposition. But, as the principle is one to which a cordial assent has been conceded—and the objections as to amount are of a very ambiguous and doubtful character, I really think we ought to arrive at an amicable and unanimous conclusion; because we must not lose sight of the fact, that if that settlement which Parliament in its wisdom has thought fit to make in regard to the Civil List had not occurred, the Crown could have acted in this matter independently of the House, and Her Majesty would have had everything that was necessary for the maintenance and comfort of the Royal Family immediately at her own command. Inasmuch, however, as the jealousy of Parliament in dealing with the hereditary revenues has brought about this state of affairs, it becomes us, if we feel we have a duty to discharge, always to perform that duty in a spirit of liberality, and of an earnest desire that we should be unanimous when an appeal of this kind is made to us upon the responsibility of the Government. Sir, I will say nothing of the circumstances under which this Royal Marriage is about to take place. It does not become me to speak of a personage so near the Throne as the illustrious Lady who is the immediate subject of this proposition. I believe, however, all will agree that she is one worthy of her family and her country, and that she is calculated to adorn the throne for which she is destined. All who have had the privilege of approaching her bear testimony to the brightness of her mind, and to the sweetness of her disposition. I beg the hon. and learned Member for Sheffield by no means to believe that I am now opposing the principle he has laid down as to the policy of settling this question by a round sum rather than by the Government mode. I admit that it may be a better way of treating a matter of this kind; but that, after all, is a moot question. The hon. and learned Gentleman may feel himself justified in the course he has taken, but I beg him also not to give currency to the notion that the feelings of those Members who strongly support this grant are not those of deep sympathy with the interests of the working classes. Their feelings may be quite as strong on this point as those of the hon. and learned Member himself. If the hon. and learned Gentleman came forward and objected to the Vote on principle, he would certainly be entitled to take up the position that he has lately assumed; but, as I understood the hon. and learned Gentleman, when he opened the discussion of this evening, he expressed his willingness to meet this appeal to the generosity of Parliament. I hope, then, that he will recur, in his better thoughts, to that same feeling which influenced him in the early part of this evening. I ask the hon. and learned Gentleman, then, whether, upon the whole, considering that he concurs so heartily in the main principle—whether he would not be taking the best and the most gracious course by at once adopting the proposition of the Ministry, which has been made after mature consideration and a knowledge of the circumstances with which we cannot be familiar, and by assenting to that proposition, end our parliamentary connection with an event which, I trust, will bring happiness to the Royal pair concerned, and to two kingdoms.

Mr. CONINGHAM wished to state his

reasons why he should support the Amendment of the hon. and learned Gentleman (Mr. Roebuck). He supported that Amendment, first, on pecuniary, and, secondly, and still more, on political grounds. The Princess Royal was about to marry into a foreign house—a German house. After she had once left these shores and had become identified in interest with a foreign house and a foreign dynasty, he decidedly objected to the continuance of such relations with this country as the proposed annuity would establish. Her domestic relations with this country would still continue, but so long as a German Prince was a stipendiary of this country he should view that connection with the greatest jealousy. On these grounds he was in favour of a fixed payment, and was opposed to an annual payment. He did not wish to stand between the House and the division, but would content himself with stating that he should vote for the Amendment of the hon. and learned Gentleman the Member for Sheffield.

Colonel NORTH said, there was one point which had been lost sight of during the debate which deserved to be borne in mind. The people of this country interfered with the marriages of the Royal Family in a manner that Members of that House would not tolerate in their own case. He referred to the interference which was exercised in declaring whom the members of the Royal Family should marry. As long as this interference was kept up, Parliament was bound to act most liberally to them when marriages did take place.

Lord ELCHO hoped that his hon. and learned Friend would withdraw his Amendment. It was extremely desirable that upon an occasion like the present the Committee should adopt the recommendation of the right hon. Gentleman (Mr. Disraeli) and pass this Resolution unanimously. He was sure there was not a Member in the Committee who would not cordially respond to what had fallen from every hon. Gentleman who had addressed the Committee with reference to the loyalty and duty which they all owed to the Sovereign. The only difference between hon. Members was, whether they should pay the Princess Royal an annuity or a sum down. He was strongly of opinion that, regard being had to the position of this country towards foreign countries, it was desirable, as a question of policy, that the dowry should be paid in one sum; but he did not wish to see the House divide on the subject, and he hoped that his hon. and learned Friend would be induced to withdraw his Amendment, so that the House might come to a unanimous vote in favour of the Resolution.

Mr. ROEBUCK: I do not desire to press my Motion. I have told the Committee what I think it ought to do, and if it will permit me I will now withdraw my Motion.

Amendment, by leave, *withdrawn:*—Original Question put, and *agreed to.*

Resolution to be reported on *Monday* next.

The House resumed.

THE SLAVE TRADE.

On the Motion "That Mr. Speaker do leave the Chair for the House to go into Committee of Supply,"

Sir GEORGE BROOKE PECHELL said, that various treaties had been made by the noble Viscount (Viscount Palmerston), when at the head of the Foriegn Office, to abolish the slave trade, and large sums of money paid for the purpose, and he was astonished beyond expression at seeing what had happened since the noble Viscount had left the department of which he had been so conspicuous an ornament. The noble Viscount had succeeded in dissuading Brazil from countenancing the traffic, and Brazil now treated the slave trade as piracy. It was impossible to doubt that the Emperor of the Brazils was honest and sincere in his desire to put down the slave trade, and Brazil was doing her best to co-operate with us. There was now no further occasion for ships to watch the Brazilian coast, and they might safely be withdrawn and brought to a coast where the slave trade flourished more than ever. In 1853, Mr. Hume obtained a Committee to see what foreign countries had fulfilled or neglected the treaties on this subject. The Report of that Committee was drawn up with great moderation. The Spanish authorities passed a decree to enforce the registration of slaves. The British Government had been deceived by this proceeding, and had relaxed their efforts to suppress this vile traffic. The class of vessels employed on the coast of Cuba was not adapted to that service; they ought to be of light draught, whereas they were vessels drawing from sixteen to nineteen feet of water, and were almost entirely useless. Moreover, the ships were not numerous enough, many of the vessels that ought to be employed on the coast are sent away to other stations. The blue book published on this subject last year showed that the Government were chargeable with laxity or some other quality in not compelling Spain to put down the slave trade with Cuba. The correspondence sent by the Commissary Judge of Havannah to Lord Clarendon, proved that large numbers of slaves were imported into Cuba, and that the system of registration was not honestly carried out. The owners of slaves were actually furnished with register tickets by the Cuban officials, to be ready when the next cargo of slaves arrived, so that the additional number on the estate were thereby provided for. The law of registration not being rigorously enforced, the traffic went on as before, unchecked. Mr. Crawford, Commissary Judge, wrote in July, 1855, that only one case of capture came before the mixed court during the previous six months. In January, 1856 again he wrote that no case had been brought before that tribunal during the last half-year, and yet thirteen days later they had the same authority stating that the slave traffic was carried on with more than ordinary activity. In 1855, 4,806 slaves were actually landed in Cuba, of which number the Spanish authorities captured only 125. The hon. and gallant Gentleman referred to various returns for the purpose of proving that no real effort had been made to suppress the slave trade in those seas, and that the vessels which ought to be engaged in looking out for slavers were employed in some West Indian port or other. The feeling of the inhabitants of Jamaica on this subject was shown on a late occasion in that island. A meeting was held in February last, the Bishop of Kingston in the chair, for the purpose of petitioning both Houses of Parliament to direct that immediate and effective steps should be taken to suppress the slave traffic in accordance with the existing treaties. They had adopted resolutions stating the constant violation of the treaties on the coast of Cuba, and calling on the Government to insist upon their proper observance. Last year he had suggested that some of the gun-boats which had been made use of during the war should be stationed on the coast of Cuba, and he had understood the noble Viscount to promise that this should be done. To his great surprise the First Lord of the Admiralty had since stated that these boats would be a great deal too hot for the crew in that climate. Surely, however, proper vessels could be found of a light draught for the purpose required, and the Jamaica people were so impressed with the desirability of employing some sort of boat of this description that they had, in anticipation of their arrival, chalked out the very points at which they ought to be stationed; and if it was necessary to show the advantage of small vessels being employed, the case of the slaver captured by the boat of the *Arab* afford satisfactory proof that by such means these vessels can easily be seized. In dealing with the suppression of the slave trade there were difficulties to be encountered not merely with the Captain General of Cuba, but with the population of the island generally. Difficulties also arose from the fact of the ship-owners of the United States acting in complicity with the slave dealers in fitting out vessels for that trade and the use of the American flag. We ought either to compel the Government of Spain to observe the treaties which had been entered into, or withdraw our ships altogether. He thought if our Government made arrangements with the Court of Madrid to establish depôts of boats along the coast of Cuba it would be most effectual for putting down this traffic.

ADMIRAL WALCOTT: I give the hon. and gallant Member for Brighton (Sir G. Pechell) every credit for his untiring efforts to effect the suppression of the slave trade, which he directs more especially to Cuba. I cannot, however, support his opinion, that gun-boats are adapted for that service. They afford no accommodation for officers and men, and would inevitably lead to a greater sacrifice of life in a climate where the heat by day and the dew by night debilitate the strongest frame, and dispose it to the most malignant fevers. I therefore must warn the First Lord of the Admiralty not to accede to that proposition; but, in the employment of vessels upon that service, duly to regard the accommodation so absolutely essential to the preservation of the lives of officers and men. The circuit of the coast line of the Island, I may mention, extends 2,000 miles, and is hardly accessible for at least one-third that extent, owing to the prevalence of reefs and shoals, except to vessels of a light draught of water; and without the employment of a very large force it would be impossible to form any efficient blockade of the coast. In 1823 I was in command of a frigate off the coast of Cuba, for the purpose of putting down piracy, and preventing the landing of slaves. I found my ship, from her draught of water, unfit for the service, and I was reluctantly compelled to employ boats, the orders under which I acted being to the effect that I was not to value life in the attempt, the atrocities committed by the pirates having arrived at so deplorable a state as to necessitate their extirpation at all cost. Being unwilling to employ officers and men on a duty I would not undertake myself, I went in command of the boats, and I was fortunately successful as regarded the pirates, but not with regard to the landing of slaves. The coast so abounding, as I have remarked, with creeks and inlets that, without a considerable force, it is impossible to suppress the slave trade in Cuba. I was employed for many weeks in the execution of this service, having with me from fifty to sixty officers and men. I searched from four to five hundred miles of the coast on the north side of the Island, and on my return to Jamaica my health was so broken as to oblige me to resign the command of my ship, by invaliding; many of my men did the same, and a fever breaking out in the frigate, led to the loss of several lives. No doubt the cause of humanity impelled us to take steps for the suppression of the slave trade, abhorrent as it was to every feeling heart, and a burning disgrace to our common Christianity; but still we should have some consideration for the lives of our brave officers and men, and not needlessly expose them. I confess I see no method of accomplishing the object in view other than to adopt the course which the noble Lord at the head of the Government had so successfully pursued with the Government of Brazil, to use his influence with the Crown and Government of Spain to come forward themselves, and put down the obnoxious traffic. They could do it with greater advantage; for they had men inured to the climate, and possessed full information on the subject. It is a circumstance deeply to be deplored, that after the earnest and unrivalled endeavours of this country to suppress slavery, that after the sacrifice of hundreds of officers and men, and the expenditure of untold wealth, to a great extent it is still carried on, with inhumanity revolting, and almost incredible, but for facts known universally.

Sir CHARLES WOOD said, that the hon. and gallant Member for Brighton (Sir George Pechell) had been more successful in pointing out the difficulties which beset our efforts for the suppression of the slave trade than in suggesting how they might be got over. No doubt many vessels were sent out from America which were sold or transferred, and then employed in this traffic; so that the difficulty of knowing the slavers from the genuine American merchantmen, which we could not touch, was very much increased. As to the suggestion that we should establish a series of coastguard stations round the coast of Cuba, if the Spanish Government would allow us to do that, they might just as well suppress the slave trade themselves, which they could do with the greatest ease. He was afraid, however, that the whole people of Cuba, from the Governor General downwards, were bent on favouring this traffic, from which they thought that they gained such great advantage. He was of opinion that the most effectual means of putting down the traffic, at present in our power, was by increasing the African squadron. The Government had considered the proposal to send out gun-boats, but English sailors could not stand the unusual heat and unhealthiness of the climate, added to the heat from the steam-engines and furnaces.

Sir JOHN TRELAWNY said, he did not consider it wise policy to keep our seamen employed on that coast. If we sent out any force at all to suppress the slave trade, it should be a large force; but he was opposed to sending out any force, because he believed it was sacrificing valuable lives with no result.

Mr. KINNAIRD said, he wished to know whether Her Majesty's Ministers had of late addressed any representations to the Spanish Government, for the purpose of putting a stop to the traffic in slaves in Cuba? It would appear that the slave trade was at present more extensively carried on than ever in that quarter, as was shown by an account recently published in the public papers as to the enormous profits gained upon the cargoes of slaves. A captain engaged in the traffic, whose vessel had been seized, was reported to have said that, though he had lost £6,000 by the seizure, yet he stood to gain £32,000, had he succeeded in running the cargo. Perhaps the noble Lord at the head of the Government would afford some explanation with respect to the present state of the negotiations between the Ministers of this country and of Spain in reference to that subject.

VISCOUNT PALMERSTON said, that his noble Friend the Secretary for Foreign Affairs had very recently renewed the representations which we had so repeatedly made to the Government of Spain with respect to the state of the slave trade along the coast of Cuba. The Spanish Government had invariably given the most satisfactory answers to those representations, and had issued orders for the exercise of increased vigilance for the prevention of that traffic, but had at the same time invariably expressed doubts of the truth of the accounts which the British Government had received, and had forwarded to them. The fact was, that it was very difficult to act through a Government at Madrid on a Government at Cuba, which Government, he was afraid, was swayed by arguments usually very powerful with those colonial authorities. He could, however, assure his hon. Friend that, as far as diplomatic representations could go, no efforts were wanting on the part of Her Majesty's Ministers to induce the Spanish Government to take real and effectual steps for the suppression of the slave trade in Cuba.

THE GERMAN LEGION AT THE CAPE.

OBSERVATIONS.

MR. ADDERLEY said, he hoped the House would allow him to take that opportunity of directing its attention to the excessive expenditure incurred in disposing of the German Legion by locating them on the Cape Frontier, and to the impolicy of thereby continuing and extending a charge on the revenues of this country in relief of the colonists from the defence of their own frontier against Kafir invasion. Although it was almost too late to express any opinion, seeing that the expense was already incurred, yet he thought it was the duty of the House to inquire whether the heads of departments in this country were justified in taking measures, involving a vast outlay, without having in any way consulted Parliament upon the matter. The reply that would be given, no doubt, was that it was the easiest way of disposing of the German Legion—that it would lead to the formation of military settlements on the frontier, and would tend to relieve this country of the share of expense of the Kafir wars. He thought he could show that those expectations were mistaken. With respect to the disposition of the German Legion, he was of opinion that it could have been got rid of at a much less expense than had been incurred. He believed he could show by the clearest evidence that that object might have been accomplished at one-fifth of the expense which had actually been incurred. The men of the German Legion might have been disbanded by paying each of them 1*s.* a day, or £18 for one year, and £2 more for passage home, while the actual charge for sending each of those men to the Cape amounted to £100. All the men who had been discharged had been got rid of for £20 a head. There were in all 8,000 of those men, and at the rate of £100 for each, their removal to the Cape would have cost £800,000; and all that large sum would, by the offer of the Government, have been expended without the sanction and control of Parliament. But, fortunately for us, only 2,500 out of the 8,000 had accepted the offer to be removed to the Cape. It was true that the sum set down in the Estimate for that removal amounted to only £91,000, and there was a charge for building cottages and furnishing outfits. But, besides, we had undertaken to pay the men for three years, and there was to be added the cost of conveyance to the Cape, which, at a moderate estimate, was £12 a head, in addition to the conveyance of the men's wives and families. Indeed, so liberal was the scheme of Lord Panmure that he not only proposed to take out the wives of the men, but had sanguine hopes that the unmarried men might be induced to find wives here who should be taken to the Cape at the expense of this country. The Estimate made no mention of the cost of supplying the men, their wives and families, with rations for one year; nothing was said of public works, of schools, magistrates, courts, chaplains, and other expenses which the scheme expressly involved. It was true the Cape had offered to contribute the modicum of £40,000 towards the expenditure, but that contribution they would certainly reduce by the proportion of diminished numbers going out, as it was a vote on account for 8,000 men, and intended as their share of the £800,000 first proposed. It was said, that land in consequence of the location of the German Legion on the frontier would rise in value £100,000, which would go towards a liquidation of the expense. With respect to the expectation of the increase in the value of land on the frontier, in consequence of the settlement there of the German Legion, even if such increased value should accrue, the benefit would be derived by the colony alone; and he repeated that the total expenditure to this country for each man could not amount to less than £100. But it was said that by that measure we should get rid, for the future, of the enormous expenditure entailed by Kafir wars. He believed, however, that it would be productive of no such result. The fact was that our immense outlay in those wars had arisen from the temptation held out to contractors in the colony by the ready offers of England to foment and prolong hostilities along the frontier, by which they were themselves certain to make large fortunes. There were many men who had been poor at the commencement of those wars, and who at their close had been in possession of very considerable wealth. Of course the proposed plan had been highly popular in the colony, and addresses expressive of satisfaction had been sent, as would always be the case when a promise was made of great expenditure by the mother country for the benefit of her dependencies. The system of sending out hired mercenaries to defend the frontiers of our colonies was one therefore which, in his opinion, was utterly futile, by way of stopping colonial warfare; and if English colonists could not defend their own frontiers he thought it high time that the connection with such dependencies should be severed. Indeed, he did not think it too much to expect, that they should not only defend their own frontiers, but contribute to the defence of Imperial interests. They knew that in the Russian war the colonists of Canada offered to raise a body of troops in aid of the British forces engaged, and would have done so had not Her Majesty's Ministers discouraged them. With the enormous possessions of England all over the world, if she could have the assistance of her colonists she would be superior to every other country. As a defence this German Legion was the worst that the colony could have. Regular armies had never been able to cope with the incursions of savages; and the best protection which the Cape colony could have was that *commando* system which the settlers themselves established, but which was suppressed in deference to the feelings of English philanthropists. That was abundantly proved in the case of Virginia; as long as the American colonists had the so-called protection of regular troops from England, they were always at the mercy of the Indians, whereas, as soon as the protection of the frontier line was left in the hands of the hardy hunters who formed the colonial militia themselves, they very soon met them on their own system of warfare, and put an end to the conflict. The present experiment was to be tried on the representations of the governor, Sir George Grey, on the ground that he had successfully tried it in New Zealand. Now he had considerable knowledge of that country, and he knew that, in the opinion of the settlers in New Zealand, no greater failure in the way of colonisation had ever taken place than in the military colonisation of New Zealand. The military pensioners could scarcely be said to have lived—they had vegetated; but further than that, they had done nothing. That body of settlers cost just five times as much as emigrants would, and were not worth more than one-fifth of what free settlers would be. Could the right hon. Gentleman point out in the whole of history a case under which such a thing had succeeded as military colonisation; or a case in which, for the same amount of money, a much better system of free colonisation could not be carried on. He knew that it was always considered a failure, and that it was at this moment as fast as possible being abandoned. Neither could he conceive how, as far as England was concerned, it could succeed. Every one knew what had been the fate of our own pensioners in Canada, who were even now troubling the Government; and the success of Russian, Austrian, or Prussian military colonies, if they had been successful, could not be cited as an example to us, because their colonies and their system were so entirely different from ours. Military colonies could not succeed, because they wanted all the elements of successful colonization — perfect freedom, perfect self-reliance, and perfect self-action. This was an attempt to combine two incompatible things — military occupation and colonization. Soldiers were the worst colonists in the world, and probably colonists made the worst soldiers. It was essential to the success of colonists that they should roam where they liked; and how was that possible, in this scheme of Sir George Grey's, for these settlers were actually to serve for three years, during which they were to be under drill thirty days a year; during the four succeeding years they were to be ready for service, and were to have twelve days' drill each year, and every Sunday they were to appear on parade. Fancy colonists going to parade every Sunday! Then what was to hold them to the spots to which they were sent? The Boers in the neighbourhood were raising funds to induce labourers to go to them, and what a ready body of immigrants this German Legion of their compatriots would furnish. Would they continue to serve us at 6*d.* a day, while their Dutch friends offered them 5*s.* a day, as labourers? What, then, would operate to prevent their emigrating to another part, and thus, as far as the system was intended as a frontier defence, it would utterly fail? In fact, the whole plan was just such a one as might originate in an office, and might be made to look well on paper; but even, supposing for a moment, that it could be carried out, what a state of artificial society it would be! Of all the systems of which he had ever heard, none was so purely artificial as this proposed combined system of defence and colonization. In conclusion, he stated that when the actual Estimate came before them, he should, if no other hon. Member did it, take the sense of the House upon it, with a view to check the progress of such a system.

Mr. LABOUCHERE said, that he regarded the question to which the hon. Gentleman had called the attention of the House as one of the most important and difficult connected with our whole colonial system. To decide what plan should be pursued for the defence and protection of the Cape, was the most harassing to a person holding his position, of all within the sphere of his duty, and one which he ought to regard with the most constant vigilance. The House ought to take care not to be led away by principles whose *primâ facie* application to the question might be forcible, without considering the particular circumstances of those to which they were to be applied. The House had already had severe experience of the difficulties in which this country might be involved with respect to the affairs of that colony. Only a few years ago we were engaged in a war with the Kafirs which, besides all the misery it caused to the colony, entailed enormous expense upon the mother country. His belief was, that that war was mainly owing to the fact that the Government of the day, actuated by the best motives, had left the colony entirely destitute of troops. Our experience upon that occasion ought to serve as a warning to the House not to carry any general principle to such an extent as might lead to the recurrence of similar calamities. They were aware that for the last two years there had been a constant apprehension of the renewal of disturbances in the same quarter. That another outbreak had been prevented was owing, he firmly believed, to the presence of a sufficient force of Queen's troops to overawe the Kafirs and maintain the tranquillity of the colony. He agreed with the hon. Gentleman that we ought to rely for the defence of the Cape, not so much upon the troops of the Queen as upon the efforts of the colonists themselves; but it would be mere pedantry, the height of folly and absurdity, when one knew the colonists were not in a position to protect themselves adequately, to expose ourselves to the misfortune of seeing the colony attacked and being involved in a Kafir war with all its horrors and expense. The danger of the Cape at present arose from the fact that the whites were not numerically strong enough to resist their barbarous neighbours. The hon. Gentleman seemed to think that he (Mr. Labouchere) had been guilty of very illogical language whilst advocating a reliance upon the efforts of the colonists themselves in defending the measure of sending out foreign troops amongst them. But these men, he believed, would turn out to be very useful colonists, and able defenders of the country against the Kafirs. Why, any emigrant, any new man, would be an addition to the strength of the white population in resisting the attacks of the savages, and in defending the base of the triangle, at the apex of which lay the chief seat of the colony; but, above all, surely the presence of a certain number of men accustomed to the use of arms and to act together as soldiers must prove the best security for the preservation of peace. If they wished to preserve the colony at all, it was necessary that a body of men always capable of acting together should be on the spot to meet any emergency. In fact, the condition of the Cape colony called for unceasing vigilance on the part of all persons. The hon. Gentleman seemed to think that the Government had made an extravagant bargain in dealing with the German Legion. It would be recollected that the Legion was formed at a period when the Government, at the call of the country, which was then engaged in an arduous struggle with Russia, was doing everything in its power to find soldiers to fight our battles. The war was brought to an honourable and successful close before the services of the German Legion were required; but, from what he had been told by those who were competent to form an opinion on the subject, he was convinced that if the war had continued, the men of the Legion, such were their efficiency and state of discipline, would have proved themselves worthy comrades in arms of our own brave troops. It was not their fault that they had no opportunity of rendering service to this country in the Russian war; and when they came to be disbanded, every Member of the House felt that they should be treated not only with justice, but with liberality. The Government had necessarily entered into very onerous engagements in raising the Legion. They had bound themselves to send as many of the officers and men as chose to remain under the rule of Her Majesty to the North American Colonies, and to pay them a sum of money each. The expense of carrying out that arrangement would have been about £64,000, which, of course, must be deducted from the cost that had been incurred in sending a portion of the Legion to the Cape. But, according to the hon. Gentleman, the House had been taken by surprise. He was astonished that the hon. Gentleman should have ventured to make such a statement, for the intention of the Government to send the Legion to the Cape was known to the House last year; it was discussed in the public prints, and was notorious throughout the whole country. Nobody could suppose that such a scheme could be carried into effect without incurring some expense. If the Government had been extravagant the proper time for censuring them was, when the accounts were laid before the House; but the very last charge that ought to be brought against them was, that they had taken Parliament and the country by surprise. The hon. Gentleman had also complained that it was not easy to make out what the expenses were. That arose partly from the items appearing in the estimates of different departments, and partly from the circumstance of the expenses being spread over three years. He was in a condition to state, however, that the total cost of sending the Legion to the Cape, including everything, would be £205,000. From that sum must be deducted £64,000, the expense which would have been incurred if the soldiers had not been sent to the Cape. The colonists themselves had already voted a sum of £40,000 towards defraying the expenses of the Legion, and had made arrangements for voting a further sum of £40,000 for the same purpose. It was true that that grant of money had been made upon the supposition that a larger number of men would be sent; but he had no doubt the colonists would adhere to what they had done. After deducting those two sums — £80,000 and £64,000 — from the £205,000 which he had stated to be the entire cost of sending the Legion to the Cape, the hon. Gentleman would see that the expense remaining to this country would be about £60,000, leaving out of the calculation that which the Governor mentioned as likely to be available from the increased value of land. The charge thrown upon the country by the proceedings referred to by the hon. Gentleman would not, therefore, be so extravagant as he seemed to suppose. He was unwilling to trespass further upon the attention of the House, but there was one question which had been alluded to with regard to which he wished to say a few words. A reproach had been cast upon the Government that they had shown a disposition to send troops to the Colonies from this country, while they had neglected to avail themselves of the military resources of the Colonies themselves; and the conduct of the Government with regard to Canada during the late war had been more especially adverted to. Now, he would remind the House that the Colonies were not the best places to procure troops, because in the Colonies labour was scarce, there was great demand for it, and consequently wages were high and, generally speaking, instead of being able to spare men, they were glad to receive additional labour, so that to raise troops in the Colonies would probably be neither economical nor satisfactory. Now, an impression did exist in certain quarters that Canada, during the late war, had not received that treatment which her distinguished loyalty and patriotic spirit merited, and that some slight had been cast upon the exertions made in that colony. Now, his answer to that charge was very simple, and he believed alo very conclusive. Some five or six public spirited gentlemen had, during the late contest, offered to raise troops for active service, and the course which the

Government adopted with regard to those offers was, he believed, the most prudent course open to them. They referred to the Canadian Executive for advice upon the subject, and the answer they received was, that the colony was at that time engaged in organizing its militia, to which they attached the greatest importance, and they strongly deprecated any endeavour on the part of the Imperial Government to induce the youth of Canada to leave their own country and enter into the service of this country. A proposal had also been made to raise two regiments for the British service, and that proposal had received the utmost consideration. For his own part he believed, that had it been possible it would have been of great advantage if some such scheme had been carried out; but the practical difficulties were so great, and the objections to stripping the colony of men were so strong, that that proposal could not be entertained. He could assure the House that there had been no intention of treating the colony with disrespect, and every one of those gentlemen who had offered to raise corps received the thanks of the Government for the public-spirited and patriotic feeling which had induced them to make that offer, though, from the reasons he had stated, the Government had felt themselves obliged to decline it. With regard to the Cape Colony, the defence of that colony had occupied his serious attention. It was neither wise nor politic to leave the colonists exposed to the frightful evil of a Kafir war, and he believed that, so far from abandoning the principle of teaching the colonists to rely upon themselves, the sending these German colonists, who were trained to arms and able to defend themselves, would tend to inculcate that feeling among them.

Sir DE LACY EVANS did not find any Vote with regard to the German settlers in the Navy Estimates, and he objected to a discussion upon military subjects upon going into Committee on those Navy Estimates, although he was glad to hear that the hon. Gentleman intended to revert to the subject on a more fitting occasion. The subject was of too large a nature to be capable of being discussed on the present occasion. In the first place, the question might be raised whether this country should have employed these Germans at all, and then it might be asked why these Germans, who had never seen an enemy or heard a shot fired in anger, should be treated more liberally and generously than any portion of those troops who had undergone the danger and labour of the war. The regular troops had been disbanded with very little courtesy, and, in some instances, without much justice, but these foreigners had been enlisted for three years beyond the termination of the war. These Germans now had a claim to permanent protection, and at some future period, when unable to defend themselves, it might be necessary to send British troops to their assistance. There was no doubt that the frontiers of the Cape Colony at the present moment were in very much the condition of the northern border counties of this country some hundred years ago. There would always be cattle-stealing under such circumstances; but if they thought to defend the line of frontier by the settlement of a German Legion of 2,800 men, they would be very much mistaken. If the colonists were not able to defend themselves without their assistance, he was sure that they would not be able to do so with their help, and some additional measures would have to be resorted to. The experiment of a military colony at the Cape frontier had been tried twenty years ago and had failed, and yet the same course was being repeated. He believed the system was most fallacious. The principle was opposed to the whole spirit of colonial legislation of late years, and he for one could not regard it with favour. The late Sir W. Molesworth had directed his attention very earnestly to the promotion of the policy of giving the power of self-government to our Colonies, and it had over and over again been urged on behalf of the colonists that if that power were accorded to them they would be prepared to defend themselves; and that if that principle were adopted we should not be compelled to keep at the Cape so large a military force as was at present the case. Well, the colonists had now obtained self-government; and when Sir G. Grey had been sent from New Zealand to govern that colony, it was supposed that its affairs would be less expensively managed; but it appeared that a larger military force than ever was needed, dissemination, always an error, had been adopted, and, as a consequence, a greater amount of expense than existed before his appointment had been entailed upon the country. It had been generally believed that Government was about to withdraw a large portion of those troops, but, instead of that having been done, eight or nine regiments of infantry, and a numerous body of cavalry had been kept there to defend the colony against a set of miserable barbarians. One of the arguments which had been used in favour of stationing our troops in large numbers in the colonies was, that the people of this country were opposed to their being quartered at home in any large numbers, and that troops quartered in the Colonies might be easily brought home whenever a great emergency should arise. Well, what had been the fact? Why, that we had not been reinforced by one regiment from the Cape during the last war. It was also stated that it was impossible to defend the colony except by means of the regular army; but it should be borne in mind that Sir George Napier, who had conducted that government for a period of seven years, had adopted against the Kafirs a course, or rather a calculation, not demanding the employment of large bodies of troops. He, in fact, calculated that about £5,000 worth of cattle was reciprocally stolen by the Kafirs from our settlers on the one part, and by our settlers, on the other, from the Kafirs. In short, he calculated that the system of retaliatory theft was far preferable to be allowed to continue rather than recurring to the heavy expenditure of a national war. Other Governors had, however, pursued a different course, and had made the most trifling occurrences the grounds for entering into hostilities. One war had taken place about a stolen hatchet and another about eleven head of cattle. The noble Viscount at the head of the Government, who was so zealous respecting the honour of the British flag, would of course regard this as a *casus belli.* That was a policy which he had hoped had been abandoned, but it would appear that it was one in which the Government were resolved to persevere, and even proceed further in by sending out a new description of armed force with which to contend with those wretched Kafirs. He could not but sincerely regret such impolicy on the part of the Government.

Major STUART WORTLEY said, that, having served three years in the Cape, two years of which he had been engaged in the late war, he hoped the House would extend to him its indulgence while he made a few observations upon the subject under their notice. He was surprised to hear the hon. and gallant Member who had just spoken call the Kafirs "miserable barbarians," and he was sure he would not have done so if he had known that there were 12,000 of them in the colony who, when armed with rifles, formed the material of the finest light infantry in the world. During the late war at the Cape our troops, when opposed to them, met with a series of reverses, and he had had the mortification of seeing two of the best regiments in the service compelled to retire before them. The hon. and gallant Member was completely mistaken, therefore, in supposing that the Cape colonists could easily defend themselves against their attacks. They might have done so to some extent when the Kafirs were not supplied with guns, but they were now tolerably well furnished with both guns and horses, and it was plain that the old *commando* system could no longer be of avail. He felt it to be his duty, under those circumstances, to warn the House to vote money for the defence of the Cape colonists, otherwise they must be prepared to take upon themselves the responsibility of an amount of bloodshed which it was fearful to contemplate. Few persons in England had any idea of the nature of the Kafir tribes. He, however, had some acquaintance with their language; had, after the last war, been much among them, and had conversed with their principal chiefs. From the knowledge of their habits thus acquired, he felt confident that the only reason why hostilities had ceased upon their part was because they had expended all their gunpowder, and because no facilities for the manufacture of a fresh supply existed among them. The best way, therefore, to put a stop to a Kafir war was to prevent the importation of gunpowder from the colonies. Three years was the time usually allowed to elapse between those wars, and we might therefore expect to witness in the course of another year a fresh outbreak of hostilities. The only reason why he was disposed to look with any apprehension upon the presence of the German Legion at the Cape was, that they and the Dutch Boers were to some extent a kindred people, and that as a consequence, in case those Boers should again take it into their heads to rise in opposition to our power, they might succeed in seducing the soldiers of the German Legion from their allegiance. The subject was a serious one, and he hoped the House would not be niggardly in any vote for keeping up the supply of troops at the Cape. He was confident that it was only the awe which the

Kafirs felt for our troops that kept them quiet, and if that awe were dissipated there would be another Kafir war, at a cost of several millions of money.

Colonel SYKES observed that there had been no attempt at amalgamation at the Cape of Good Hope, or to infuse good feeling into the breasts of the contending parties. He could not understand why the same system of amalgamation should not be pursued at the Cape as had been pursued in India—namely, that of enlisting under our banners some portion of the native population; and the result of which had been that such a friendly feeling had been infused into those once our enemies that they had become our friends.

Mr. P. O'BRIEN said, the German Legion had been enlisted under a pledge that they should receive certain pay, and if disbanded before a certain period, be sent out as colonists to Canada or the Cape of Good Hope. It might have been wrong to employ them, but, having done so, the question was really a narrow question of contract. If the sending them to the Cape were such an immense advantage as the hon. and gallant Member for Westminster (Sir De Lacy Evans) represented, how was it that out of 10,000 men only 2,000 had accepted the boon?

Motion *agreed to.*

SUPPLY—COMMITTEE.

House in Committee.

(1.) £40,000, Marriage Portion of The Princess Royal, *agreed to.*

(2.) £46,772, Naval Miscellaneous Services.

Sir JOHN TRELAWNY asked a question as to the votes of "blood money" for pirates killed by our sailors. It was a dangerous power to entrust any naval officer with the arbitrary power of putting men to death as pirates. It was a relic of barbarous times, and unworthy of a Christian country.

Sir CHARLES WOOD said, that some time since a new mode of computing the head money had been introduced. The first item in this Vote was to the *Rattler* and *Tartar*, for service in 1855. There were 1,750 pirates engaged, of whom 500 were killed and 70 taken prisoners. Under the old rule the officers and crews would have been entitled to £10,000, but under the new rule they only got £3,000. The officers and crew of the *Rattler*, for service from 1854 to 1856, got £10,000; under the old computation they would have been entitled to £52,000.

Sir JOHN TRELAWNY objected to the principle of the Vote; it was placing too much power in the hands of an officer. The natives whom they attacked might be engaged in legitimate warfare, and it was a disgrace to a Christian country to give blood money in this manner.

General THOMPSON did not believe in pirates. He desired to know what was the proof that these were pirates. Were they the great pirates or the little pirates? We being the great pirates — avowedly bearing in the China seas no other character than an organised race of pirates—was it quite clear that the men who interfered with us were not Custom-house officers? Or might they not have been some of the collections of men who had made their appearance in China in consequence of political agitation, and who wished to proclaim themselves as Bible Christians, though Her Majesty's representative put them aside as not being first-chop Unitarians? We had seen in China the strongest examples of every violation of truth, falsehoods thick as hail, and conduct which would prove to posterity that what had begun with a violation of principle and honour, would in the end come back on the offenders.

Mr. VANSITTART having had a gallant relative in command of one of the ships could assure the House that whatever doubt there might be here as to the existence, the numbers, or the destruction of the pirates, there was none amongst the Chinese themselves, as was testified by the gratitude evinced by them. His gallant relative had been offered by the native merchants at Shanghai and elsewhere five times the value of the sum in question, and he had refused it because he thought it was not consistent with his duty to accept money except from the Admiralty.

Mr. AYRTON believed that this payment was made under an Act of Parliament, and it would be inconsistent in the House to refuse to vote the money to which the Officers thought themselves entitled. At the same time, the Act of Parliament under which this money was voted required re-consideration. It was entirely inconsistent with the honour of this country and of its navy that sums of money should thus be voted for one of those services for which the navy was maintained. When the House voted

£7,000,000 for the navy in time of peace, it was not too much to expect that it would in return render the service of suppressing piracy in the Eastern seas. It must be very embarrassing to a naval officer to receive money according to the number of men he had killed.

Sir JOHN TRELAWNY believed that it was in the discretion of the Admiralty to give the money or not, and that the Act of Parliament was not imperative. The Admiralty sometimes withheld the money.

Sir CHARLES WOOD: It was not imperative upon the Admiralty to give this money when they did not think it was deserved. It was not quite fair, however, to raise the question of the desirableness of repealing the Act of Parliament upon the Vote to these officers.

Mr. STAFFORD was glad to see that the Admiralty had doubled the Vote for the Sailors' Homes. He was anxious to know whether the Admiralty had increased the number of Sailors' Homes, and whether they had instituted any superintendence over them, or, still better, left them to the management of the benevolent individuals, by whom they were instituted.

Sir GEORGE B. PECHELL believed that the Admiralty had a discretionary power in regard to the payments for pirates. He entirely sympathized in the objections taken by the late Mr. Hume to these payments.

Sir CHARLES WOOD wished to remind his hon. and gallant Friend of the captain who gave evidence before a Select Committee denying the existence of these pirates, and who was afterwards murdered by them. He trusted that his hon. and gallant Friend would never meet with a similar fate. With regard to Sailors' Homes, the Government only contributed towards those at Portsmouth, Plymouth, and Quenstown, but they had increased their contributions to all those institutions. The Government did not interfere with the management, except to aid them with their pecuniary support. No institutions could be better managed, and none could be more serviceable to the sailors. Here they found a comfortable home, with cheap board and lodging, and books and newspapers.

In reply to a question put by Admiral Duncombe,

Sir CHARLES WOOD stated that during the last three years there had been launched from her Majesty's dockyards and other private yards for the navy, nine ships of the line, nine frigates, eighteen sloops and corvettes, 182 gun-vessels and gun-boats, nine floating batteries, and 104 mortar vessels and gun-boats.

Mr. AYRTON complained of the item of £1,500, included in the miscellaneous services, for per centage paid to the Bank of England for transmission of money to the naval accountants at Portsmouth, Devonport, and Pembroke, to meet the payments at those stations for the naval department. He thought, considering that the country kept an average balance at its bankers of between £3,000,000 and £4,000,000, it ought not to be charged anything like £1,500 for such accommodation.

Sir CHARLES WOOD said, the men employed in the yards at Portsmouth, Devonport, and Pembroke, were all paid in gold and silver, which rendered it always necessary to have a large supply of coin on the spot, and that was unavoidably attended with considerable expense.

Mr. CONINGHAM said, as they were now, as it were, auditing the national accounts, he wished to ask for information upon a point connected with the mode of presenting the Navy Estimates before the Committee. The Votes for the financial year 1856–7 were stated in the Estimates, and the Committee was now asked to Vote the supplies for the financial year 1857–8; but the Estimates did not show what had been the expenditure for the year 1856–7. He submitted there ought to have been a column showing the balance in hand, if any, at the end of the previous year, and that until that was supplied the Committee had no means of testing the accuracy of the statements in the Estimates.

Sir CHARLES WOOD said, the hon. Gentleman was probably not aware that whenever the full amount of a Vote of the previous year was not expended the balance was either paid over to the Exchequer at the end of the year or was not drawn out of it, and that every year there was what was called a finance account prepared, showing the sums not expended in the service of the year in every case where the actual expenditure did not come up to the amounts voted.

Mr. PALK asked what the per-centage paid to the Bank was?

Sir CHARLES WOOD stated that the percentage paid to the Bank of England for the transmission of money to the Naval Accountants at Portsmouth, Devonport, and Pembroke was in the case of Portsmouth, 2*s.*, and as respected the remaining two places, 4*s.*

Vote *agreed to.*

(3.) £441,603, Half-pay and Retired Allowances.

SIR GEORGE PECHELL asked the First Lord of the Admiralty whether any decision had been arrived at as to the allowance of half-pay to the captains, commanders, lieutenants, and masters who were connected with Greenwich Hospital. The governor, the lieutenant governor, and some of the Commissioners of that Hospital received half-pay in addition to their official incomes, and he did not see why the same principle should not be extended to the subordinate officers of the establishment.

SIR CHARLES WOOD said, he could only repeat the answer he had given to a question which had been put to him upon this subject on a previous evening—that the case of these officers was still under the consideration of the Treasury.

SIR WILLIAM CODRINGTON thought the position of the inferior officers of Greenwich Hospital was, in this respect, one of considerable hardship. The Governor of the Hospital, Sir James Gordon, who had a salary of £1,500 a year, received half-pay amounting to £760 a year. The Lieutenant Governor also received half-pay in addition to his official salary; but the captains, commanders, lieutenants, and masters were precluded from receiving half-pay.

ADMIRAL WALCOTT said, that unless the Treasury decided upon allowing the subordinate officers of Greenwich Hospital to receive their half-pay, he would take an opportunity of bringing the subject under the consideration of the House. He found that in the Estimates the full half-pay of officers of every rank was entered, while when those officers received their half-pay the amount of the income tax was deducted. He wished to know in what manner the country was credited with these deductions for income tax.

THE CHANCELLOR OF THE EXCHEQUER said, the country was credited with those deductions in the same manner as it was credited with the deductions of income tax from official salaries and from dividends.

ADMIRAL WALCOTT wished to know why the full amount of half-pay was included in the Estimates.

SIR CHARLES WOOD replied, because the full amount stated in the Estimates was payable to each officer, but a deduction was made for income tax, and that reduction was carried to the credit of the Exchequer.

Vote *agreed to,* as were also the two following Votes:—

(4.) £278,163, Military Pensions and Allowances.

(5.) £87,682, Civil Pensions and Allowances.

(6.) £127,000, Conveyance of Troops.

MR. STAFFORD wished to know whether they were to understand that this Vote was deemed sufficient by the Government to meet the charges connected with their extensive operations in the East, or whether an application was to be made by them for a supplementary Vote? If this sum was all that they would require, he must congratulate the Government on their skill in making so small a sum go so far.

SIR CHARLES WOOD said, this Estimate was framed in the month of January, before a complete account of the operations in China had been received. Since that date it had been found necessary to send out a much larger force; and as soon as the Government were enabled to make up their minds as to the full extent of the exigency, they would lay on the table a supplementary Estimate to meet it.

MR. STAFFORD inquired how soon that would be done?

SIR CHARLES WOOD replied, that that would depend, in some degree, on the next accounts which reached this country from China. It would be more satisfactory if they deferred their calculations until they could submit an Estimate that was likely to be final.

SIR CHARLES NAPIER thought the Estimates too low, even if we were not at war with China. There might be a breach between this country and France, and looking at the preparations made by the latter Power, it was imprudent for us to maintain so small a force. Cherbourg was only fifty or sixty miles distant from England, and was a perfect naval citadel. There were there already four steam basins, and there would be another completed in 1858. The railways could bring troops from all parts of France to that harbour. Any number of vessels might there come alongside and load. Troops in divisions and brigades could embark with the greatest ease; nay, as not even boats were required, cavalry regiments could march on board. The First Lord of the Admiralty had told them the other night a thing which no other Lord of the Admiralty had ever told them before — that France in its naval steam power was equal to ourselves, and that she was able to bring together any number of disciplined men to man her fleets quicker than we could. We were, therefore, no longer the first naval nation in the world. Since the peace of 1815, France had been increasing her naval power, but what had we done? It was not until 1830 that a First Lord of the Admiralty thought of taking steps to man the navy. In that year the right hon. Baronet the Member for Carlisle passed an Act empowering the Queen to issue a Proclamation, offering in some cases double and in others single bounties of £10 or £5; but that Act could never be rendered available for fear of expense, for it was so carelessly worded that the moment the Proclamation issued every seaman already in service could claim the bounty as well as recruits. He could not understand why the best ships of the British navy were not kept in commission — such vessels experienced less wear and tear in commission than in ordinary. At last, after thirty years' consideration, it was determined that all men on the coast should be exempted from the militia, and rendered fit to serve, if necessary, in the navy, and in case of emergency they were obliged to serve for two years. These men went on board ship and were regularly drilled, and he understood the measure was working remarkably well. But the principle was not, he thought, carried half far enough. Every boy, after serving his apprenticeship to the sea, should be obliged to learn the duties of a man-of-war for twelve months before he became a registered seaman, and should be so well paid for that service as to be taught to look upon it as desirable. This would place at their disposal in the event of a war a large body of disciplined seamen, and would put an end for ever to the system of impressment. He trusted that the right hon. Baronet the First Lord of the Admiralty would bring in a Bill at an early period for the facilitating the manning of the navy. At present we were totally denuded of anything like a Channel fleet. That was not a position which this country ought to be in either in peace or war. There were only two ships at Portsmouth, and one of them, he believed, was making water at a great rate.

MR. BENTINCK was glad the hon. and gallant Admiral had called attention to the insufficiency of our navy as a means of national defence. It appeared to him that the facts brought forward by the First Lord of the Admiralty actually told against his own Estimates. The right hon. Baronet the First Lord of the Admiralty had explained to the Committee the comparative strength of the English and French navies, and the means of each nation for raising a large number of seamen on an emergency. Those facts ought to determine the Committee to refrain from cutting down the Estimates, and went to show that, in the event of any difference unfortunately arising between this country and France, our navy was not in the condition it ought to be in. The comparison made by the right hon. Baronet, therefore, appeared to him to be not only conclusive against reducing the Estimates, but it was just as conclusive as to their not being large enough. So far, therefore, from regretting that the First Lord of the Admiralty would be obliged to come down to the Committee again with supplementary Estimates, he, for one, was glad to hear that the right hon. Gentleman must do so. It was a most remarkable fact that six months after war, all the incidents of war, and all that occasioned a great expenditure in it, were always forgotten, and an insane cry for a false economy arose, people forgetting that it was economy that had led to the enormous outlay incurred during the war. If the House had practised not an unwise economy, but a wise expenditure it would have saved the country millions of money which had been wasted. In this mercantile country he could not understand how as a matter of insurance the national defences should not be maintained on a proper footing, seeing what the consequences of a sudden invasion would be, if it only lasted for a fortnight.

MR. LINDSAY differed from the two hon. Members who last spoke. They seemed to argue upon the idea that a fleet could be fitted out from France or any other country at once, and could come down suddenly on the coast of England. But no fleet sufficient to do any harm to this country could be fitted out in less than a month, and if such a fleet were being prepared in a foreign country the people in England would soon know all about it. The hon. and gallant Admiral had spoken of the difficulty of obtaining men. That might be the case at times, during a war of aggression, but during a war of defence, when the people were called upon to defend their own shores, there would be no difficulty whatever in manning the ships. An abundant supply of men could then be got from the merchant service. He hoped the right hon. Baronet the First Lord of the Admiralty would follow up the course of economy, and have no more men in the service of the navy than he conceived necessary for a time of peace. To go beyond that was to do an injustice to the merchant service. He also hoped that no compulsory measures would be adopted for manning the navy, for they were sure to be defeated. Were a law passed making it compulsory on lads to serve a year in the navy, the shipowners would cease to bind apprentices, and it would be a great injustice to the lads.

Sir WILLIAM CODRINGTON said, that this was a question of very great national interest. France had on its registry of seamen 139,000 men, and though they might not all be immediately available, that was a very strong fact. Such being the case, he thought it was right for this country to give its utmost attention to keeping up the *personnel* of the navy.

Mr. BENTINCK hoped the Admiralty would always keep in commission, on the home station, such a number of ships as would be able to meet any emergency.

Sir CHARLES NAPIER said, he was glad the Admiralty had adopted the plan of sending the young cadets on board ship to learn seamanship.

Vote *agreed to.*

(7.) £565,064, for the Packet Service.

Mr. BENTINCK complained that a great portion of the coast of Great Britain was still without charts, although the surveys had been completed many years.

Vote *agreed to,* House *resumed.*

Resolutions to be reported on *Monday* next; Committee to sit again on *Monday* next.

TRANSPORTATION AND PENAL SERVITUDE BILL—THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

Mr. WALPOLE appealed to the right hon. Baronet the Secretary for the Home Department, on account of the lateness of the hour and the great importance of the Bill to postpone the third reading.

Sir GEORGE GREY said, the Bill was virtually unopposed in its previous stages, and inasmuch as Lord Campbell would in a short time be compelled to go on circuit, he was anxious that the Bill should reach the House of Lords while that noble and learned Lord could attend there. He hoped that the Bill might pass into a law, so that the regulations to be framed under it might be made before any sentences were passed at the next assizes, and with that view he asked the House not to delay the third reading.

Mr. WARREN was not hostile to the Bill, but he was anxious to express his opinions upon it. It was already almost midnight, and unless the right hon. Baronet consented to postpone the third reading, he (Mr. Warren) would feel compelled, owing to the many hours of exhausting attention which he had that evening given to the public business, to let the Bill pass *sub silentio.* The assizes would not take place till July, and there was no ground for the haste of the right hon. Baronet.

Sir GEORGE GREY said, that postponement would involve indefinite delay, since there would not be the slightest chance of bringing on the Bill either on Monday or Friday next week, as the army Estimates would probably occupy the whole of these sittings.

Mr. NEWDEGATE urged postponement on the ground that many hon. Members were anxious to express their opinions on the subject of the Bill.

Lord ADOLPHUS VANE-TEMPEST said, if the right hon. Gentleman should persist in his intention of going on with the Bill he should feel it his duty to divide the House against him. No one denied that the Bill was in the right direction, but he did not regard the question as to how our criminal population was to be dealt with as settled by the Bill. The House had not yet fully discussed the question whether convict labour could be made remunerative.

Mr. DRUMMOND would not do anything to oppose the Government on this question, but he was ready to sit up till twelve o'clock the next day to discuss the Bill, although he was not fond of sitting up. There was one subject in connection with it which had not yet been brought under the notice of the House, although it was of some importance. No doubt many hon. Members were aware that the rules and regulations in the different county gaols were all different one from the other, although they had received the approbation of the Judges of assize. The effect of this was to leave with the Judges the power of apportioning the punishment of offenders and of sentencing them to confinement in one gaol or another, according as they thought fit. But your humanitarians came in then; they said this was "an anomaly," and they insisted that all gaols should be conducted on precisely the same footing, and that all the regulations should be the same. Now, by this Bill they were giving the Judges no discretion to send prisoners to a place where the punishment would be peculiarly severe or otherwise, the Judges had simply power to sentence not to what in the second clause was called transportation, but in the third clause was described as conveyance beyond the seas. No doubt there was a difference between these two expressions which he could not discern. See, then, where the burden lay. It was thrown back upon the Home Department. If the power of determining the kind of punishment were to be vested in any individual in the world, there was no one against whom he should make so few objections as his right hon. Friend (Sir G. Grey). But Secretaries of State resembled ordinary men; they must eat, drink, and sleep like other people; and how was it possible they should rightly apportion the punishment of criminals, unless they went through, most inefficiently, by written documents the facts which had been elicited far more satisfactorily before the Judges by oral evidence? What was the necessary consequence? The right hon. Gentleman could not discharge such a labour. It would devolve, then, upon an official under him, upon whom would rest the apportionment of all those gradations of punishment which under the old system was left to the Judges —a system which had been abolished now for about forty years, and which was now about to be re-enacted in a most clumsy and inefficient manner. Such a provision was a very unsatisfactory one. Still, he should not oppose the Government. If they liked to pass a bad Bill it was their business.

Mr. W. VANSITTART did not wish to offer any factious opposition, but he must say he thought the Government were pressing on the third reading of this Bill with hot and unseemly haste, and he hoped the right hon. Gentleman (Mr. Walpole) would divide the House against the Motion.

Mr. CLAY knew that many hon. Members were anxious to speak upon this subject, and suggested that the Government should arrange to take the third reading on Monday.

Sir WILLIAM JOLLIFFE said, that the punishment of criminals would depend, under the provisions of this Bill, mainly on the reports made to the Secretary of State by the Prison Inspectors. The third clause of this Bill, which conferred these powers, had not been at all discussed; and, as those powers were entirely new to the constitution, he thought it was but reasonable that further time for the discussion should be allowed.

Viscount PALMERSTON said, he acknowledged the importance of the Bill, but due notice had been given that it would come on that evening. There had been no reason to suppose that the other business would last till a very late hour, and if hon. Members had been so anxious to deliver their sentiments upon it, it was their duty to have remained in the House. He could see no reason why this measure should not be read a third time merely because some hon. Gentlemen had gone away, instead of staying to state their opinions on a subject in which they were described as feeling such a deep interest. The night was not then very far advanced —it was but a quarter past twelve—and this was a Bill the principle of which, as far as he recollected, nobody had opposed, nor had any material Amendment been proposed. A great many Gentlemen had, indeed, taken the opportunity at the various stages of the Bill to express their opinions upon the general question of transportation and secondary punishments, and no doubt they had conveyed to the House much useful and interesting information. Considering, however, the state of business for next week, and how important it was that this Bill should become law before the time when fresh sentences would be passed, he did hope the House would now either affirm or negative the third reading, even if they sat an hour longer for the purpose.

Sir JOHN PAKINGTON said, he was bound to admit the desirability of passing the Bill before the next assizes, and also that the Government had twice postponed it, but thought it inexpedient that a measure of this acknowledged importance should be brought on at midnight, when it was impossible to discuss it. The noble Lord had alluded to hon. Gentlemen having left the House; but it would have been of no use for them to stay, since they could not have spoken at so late an hour. He hoped the Government would accede to the arrangement proposed by the hon. Member for Hull (Mr. Clay), which would involve but a very short delay.

The CHANCELLOR of the EXCHEQUER said, if the proposal to postpone the third reading would lead to any practical result—if it were still possible to amend the clauses, there might be some ground for this appeal; but inasmuch as by the standing orders it was not possible now to make any but purely verbal alterations in the Bill, he really could not see the object of further delay.

Mr. BENTINCK had certainly understood that the right hon. Baronet would not bring this Bill forward at a late hour that night, and believed this to be the impression of hon. Gentlemen who had left the House after the Navy Estimates were disposed of.

Question put, and *agreed to*.

Bill read 3°, and *passed*.

LIGHTHOUSES.

RETURNS MOVED FOR.

Mr. GROGAN said, he wished to move

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Return showing the names of the Officers and Clerks employed by the Corporation of the Trinity House, London, the Commissioners of Northern Lights, and the Corporation for improving the Port of Dublin, for the year ending the 31st day of December, 1856; the salaries and other emoluments, if any, and the duties of such Officers and Clerks respectively; specifying the names of the Officers and Clerks employed in the business and management of the Lighthouses and Light Vessels on the coasts of England, Scotland, and Ireland, and total number of such Lighthouses and Light Vessels in each division of the United Kingdom; showing the total income received from Light Duties in England, Scotland, and Ireland, for the year ending the 31st day of December, 1856, and the total expenditure, including the salaries and emoluments, if any, of the Officers and Clerks employed in the business and management of the Lighthouses and Light Vessels, incurred for the maintenance of Lighthouses, &c., in the United Kingdom, for the same period."

Mr. LOWE opposed the returns, not because there was any objection to the returns themselves, but because the hon. Member had given no reasons why they should be made, while they would entail a great waste both of time and money.

Motion, by leave, *withdrawn*.

House adjourned at half after Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 25, 1857.

Minutes.] *Took the Oaths.*—Several Lords.
Public Bills.—1ª Transportation and Penal Servitude Bill; Oxford University.

PARLIAMENTARY AND MAGISTERIAL OATHS—QUESTION.

The Earl of WICKLOW wished to put a question to the noble Lord on the woolsack relative to a petition presented by that noble and learned Lord on Friday night from a magistrate of the county of Hertford, complaining that he could not exercise his duties in consequence of the repugnance which he felt to taking that part of the oath of allegiance, which declares that "no foreign prince or potentate hath or ought to have any power or authority, spiritual or temporal, within this realm." He was not surprised that that gentleman, and many others, should object to take such an oath; for he thought it utterly impossible that any individual who considered the subject maturely could take it. They knew that in taking such an oath they were swearing directly contrary to what they believed; and it appeared to him a great absurdity, that while the great majority of their Lordships came down to the House and made that declaration on the ground of their not being Roman Catholics, a minority of their Lordships made the same declaration precisely because they were Roman Catholics. He knew the repugnance which their Lordships felt to making alterations in oaths; but now that a new system of oaths had actually been proposed in the other House by the Government, he might be allowed to express his astonishment that this particular and most objectionable framing of the oath was to be continued in all cases, except those in which Members of the Legislature were concerned. He had always been an advocate for relieving the Jews of their disabilities, and had supported every movement which had been made with a view to alter the present system of oaths. This was the first time that any alteration had been suggested in this particular oath, and in relation to it, the noble Lord (Viscount Palmerston) was reported to have said, that as far as Roman Catholics were concerned, such of them as were Members of the Legislature would continue to take the oaths prescribed by the Emancipation Act, but it appeared to him that there was no reason whatever that others of the same persuasion holding civil offices should be compelled to swear under the old terms of the oath. Therefore, as a decided supporter of the alteration of the oath, he should, unless an Amendment was made in the Bill to meet his objection, feel it his bounden duty to give it as much opposition as he could. He trusted, however, that the noble and learned Lord would never allow the Oaths Bill to be introduced into their Lordships' House without taking care that a clause should be inserted extending its provisions to the classes to which he had alluded. The question which he had to put to his noble and learned Friend was, whether there was any prospect, when the Bill came before their Lordships, that this most objectionable restriction would be done away with, or whether, in other words, a clause would be introduced extending the formula to all Her Majesty's subjects required to take the oath, instead of confining it to Members of the two Houses of Parliament.

THE LORD CHANCELLOR said, that he had received no notice from the noble Earl of his intention of putting this question; and considering the very irregular manner in which the subject had been brought before them, he did not think he ought to say a word on the subject. As had been stated, he did on Friday present a petition from a magistrate of Hertford upon the subject of oaths, but he presented that petition without a word of observation, and all he could say now was that when the Bill to which allusion had been made came before their Lordships' House, that would of course be the proper time for his noble Friend to propose any Amendment.

THE EARL OF WICKLOW said, that that was the precise answer which he expected. The fact, however, was that in all probability the Bill would come on in the dog-days, when Peers would be disinclined to attend, and that consequently the Government would have it all their own way. It would have been far more satisfactory to him if the noble and learned Lord could have informed the House that a clause, of the nature to which he had alluded, would be introduced.

THE DIVORCE, &c. BILL.

ACTIONS FOR CRIMINAL CONVERSATION. OBSERVATIONS.

LORD LYNDHURST: My Lords, before we proceed in Committee with the Bill of my noble and learned Friend on the woolsack, I wish to make a few observations upon a point which was but little discussed upon the occasion of the second reading; I refer to the action for criminal conversation. It is right that your Lordships should understand the position in which the question stands just now. When this Bill came before your Lordships a year ago a Motion was made to refer it to a Select Committee; that Motion was agreed to and a Committee was appointed which did me the honour to choose me for their Chairman. I proposed several Resolutions for the consideration of the Committee, and, among others, one which recommended the abolition of actions for criminal conversation. In consequence of that Resolution my noble and learned Friend near me (Lord St. Leonards) made a distinct Motion in this House upon the subject. That was followed by other Motions from other Members of the Committee. The subject was carefully and ably discussed, and I think I may state that the general opinion of the Committee was that the action for criminal conversation should be, if possible, entirely abolished. There was, however, some difficulty in deciding what should be substituted in lieu. Different Members took different views and were not able to arrive at the same conclusion; and in consequence the Committee did not report to the House any recommendation of the abolition of actions for criminal conversation. This is a subject of very great importance, and I thought my noble and learned Friend on the woolsack intended to introduce a clause to abolish that class of actions; but I find that the Bill before us, as it now stands, so far from abolishing those actions, will continue them under a shape and form still more objectionable than at present. I think I have collected from your Lordships that there is a strong feeling in this House for the abolition of this form of action. I am sure there is a strong feeling out of doors in favour of it. Whenever a case of that kind is introduced into a court of justice we generally find that not only the learned Judge, but also the advocates in the case themselves, reprobate the action in which they are engaged, and no one has expressed himself more strongly than my noble and learned Friend who sits at the table (Lord Campbell). He has more than once stigmatized this form of action as a scandal to our law, and has said, and said truly, that in no country upon the continent of Europe is such a proceeding tolerated, and that it has been mentioned as a matter of reproach by legal men from across the water with whom he had conversed, that such an action should be maintained. I believe I can corroborate that statement of my noble and learned Friend. I have conversed with able and learned foreigners and never found any different opinion. In a work recently published I find these words, in reference to the action of criminal conversation—

> "The husband pockets the money without shame. The publicity which such prosecutions necessarily occasion, and all the proofs and details of the intrigue, are highly indelicate and scandalous. The testimony, for instance, of servants—of young chambermaids who are brought into open court to tell, in the face of the public, all they have heard, seen, or guessed at, is another sort of prostitution more indecent than the first."

Such is the opinion entertained generally on the continent of Europe with respect to these actions. I may say, in reference to that passage, that it is no exaggeration, but, on the contrary, falls short of the reality. I can only describe the reality by referring your Lordships to a case which was heard in this House last year—the Talbot case, which lasted three days, in the course of which most indecent details were given, to the great disgust of your Lordships, which were subsequently printed and circulated throughout this country, and indeed throughout Europe. That, indeed, was not an action for criminal conversation, but the evidence given was of the same character as that usually given in actions of that kind in courts of justice. No sober, no sensible man can hesitate as to the propriety of terminating such proceedings. I will just remind your Lordships of the ground on which these actions are defended. By an order made in the time of Lord Loughborough, and at his instance, it was decided that no suit for a divorce should be instituted in this House, unless the party had in the first instance obtained a verdict and damages in an action of criminal conversation against the adulterer. The object was to prevent collusion if possible; but every person who is practically acquainted with courts of justice knows full well that it is altogether idle to suppose that a proceeding of this kind will prevent collusion. I will not ask your Lordships to rely upon my own judgment alone upon this point, but I will refer you to a passage in the Report of the Commissioners on the Law of Divorce, which I think is absolutely conclusive on this point. Those able and learned persons say, "The verdict at law is practically valueless," and in a note they further add:—

> "In the majority of actions which are brought against adulterers judgment is allowed to go by default. This admits the defendant's guilt; and it only remains for the plaintiff shortly to prove the facts before the sheriff and a common jury, when damages are assessed as of course. In these cases it usually happens that no counsel appears for the defendant. The facts therefore sworn to are admitted without inquiry; the witnesses are subject to no cross-examination; the cause is heard *ex parte*. What security against fraud is afforded by such a proceeding? If the parties are anxious to collude, what is to prevent the plaintiff from receiving the damages with his right hand, and then, as soon as the Bill of Divorce has passed, returning them with his left? It is obvious that an action so conducted, and a verdict so obtained, are utterly undeserving of reliance or attention in considering the merits of a Divorce Bill."

Thus, my Lords, you perceive the object for which this action has hitherto been maintained—namely, that it prevents collusion—has not been gained. My noble and learned Friend on the woolsack has said that in his opinion the Bill he proposes will, if passed into law, operate to the extinguishment of actions for criminal conversation through the transfer of divorce suits from this House to the tribunal proposed to be created. I do not at all agree with him; but even if such would be the consequence, I say that, considering the scandalous nature of these actions, it would be more becoming to the dignity of this House if they were abolished by Parliament instead of merely allowing them to be extinguished merely by a transfer of jurisdiction. I have never been able to understand the principle on which these actions are founded. The principle upon which it is said they are founded is fallacious. An action for criminal conversation is not intended as a punishment of the guilty party, but as a compensation for the injury sustained. Now, I ask your Lordships and every rational man what common measure is there between the wounded feelings, the affliction, the domestic misery occasioned by a violation of the sanctity of marriage, and the pounds, shillings, and pence of a tradesman's ledger? The injury is of such a nature that it is impossible it should be compensated by money. Many years ago I remember the manner in which Lord Erskine, who was fully conversant with actions of this kind, expressed himself when a Bill was before the other House of

Parliament relating to this subject. That eminent and learned man, who was engaged in almost every action of the kind which occurred in his time, said :—

> "He had often felt himself at a loss how to deal with the subject when he recollected what he was asking from a jury for the sufferer, since the man who could consider any sum as a satisfaction for such an injury deserved no damages at all. By giving damages when none could be received as a satisfaction, and allowing no criminal prosecution, the law seemed to be most curiously contrived to disappoint both the sufferer and the public."

But, my Lords, this is only part of the evil which arises from this species of action. I beg your Lordships to consider the state of the woman. To her the result is far more important than to any of the other parties concerned ; yet she is not allowed to appear, she is not allowed to examine a witness, she is not allowed to employ counsel — the whole proceedings take place behind her back. The woman has everything at stake—her character, her fair fame, her home, the society of her children, her position in the world, all her future prospects of happiness ; and yet, as I have stated, though she has such a stake in the result, she is not allowed to take any part whatever in the action. Can anything be more scandalous or more inconsistent with the principles of justice ? My noble and learned Friend on the woolsack has said that the woman in these cases is generally guilty. My answer is, that I have known many instances during my professional career where a verdict of acquittal has been pronounced, and where I presume, therefore, that the woman was innocent. I have known cases of another description, where a verdict of guilty has been returned, but where I think that verdict was not supported by the evidence. I remember that a noble and learned Friend, who is now absent enjoying the charms of a southern climate (Lord Brougham), stated a case within his own knowledge of a very singular character. An action was brought for adultery and a verdict obtained against the adulterer. The character of the woman was sacrificed and lost. She had, from an accidental circumstance, which is of very rare occurrence, an opportunity of investigating the case, and it was proved to demonstration, not only that she was not guilty of adultery, but that she never had any intercourse even with her husband. I therefore ask you, my Lords, as far as the woman is concerned, is it proper that this species of action should continue ? The noble and learned Lord on the woolsack, in the observations to which I have alluded, said that the woman was rarely innocent in such cases. Be it so. Are we entitled on that account to treat her with injustice ? A man, however suspected, however strong the evidence against him, is never condemned without being heard. He has a right to defend his character, to offer anything in mitigation or palliation of the charge against him, anything to soften the opinion of guilt which may be entertained to his prejudice. Well, my Lords, I pass from this to another consideration. As the Commissioners have stated, there may be cases in which an action may be instituted, and the woman know nothing of it before judgment is obtained. A man brings an action against a person whom he alleges to be an adulterer. Judgment is given in default. No evidence is required, and it is not till after judgment is pronounced that the woman knows anything of the proceeding. I trust, my Lords, I have stated sufficient to satisfy you of the propriety of putting an end to this kind of action. Many years ago a Bill was introduced into this House by the late Lord Auckland for the purpose of doing away with the action for criminal conversation. It was supported by Lord Eldon, and by many Members of the right rev. Bench, and passed this House by a great majority. It went down to the other House of Parliament, it was there discussed, and was supported by the Master of the Rolls, Lord Stowell, Mr. Erskine, Mr. Wilberforce, and a large number of other distinguished characters. I allude to this as a strong sanction in favour of the observations which I am addressing to your Lordships. My noble and learned Friend on the woolsack has introduced into his Bill a clause altering and modifying the law upon this subject ; but, as I have before stated, I think he makes the law even worse than it is at present. It is not my intention, at this stage, to discuss the merits of that clause ; we shall have an opportunity of doing so when the Bill comes to be considered in Committee : but what I wish to impress upon the minds of your Lordships now is, that you ought to concur in the propriety of putting an end altogether to the action for criminal conversation. A noble and learned Friend (Lord St. Leonards) has given notice of some important Amendments. He proposes that it shall not be competent for any person to bring an action for damages for criminal conversation.

What shall be the substitute for it will be for your Lordships to consider when the details of that part of the Bill come under your consideration; but I hope my noble and learned Friend will be able to provide a sufficient substitute for this disgraceful proceeding, and enable your Lordships to send down the Bill in such a shape as will give it a fair chance of meeting the approbation of the other House.

BUSINESS OF THE HOUSE—PRIVATE BILLS.

On the Motion of LORD REDESDALE it was *resolved*—

"That no Private Bill shall be read a Second Time after Monday the 21st Day of July next:

"That no Bill confirming any Provisional Order of the Board of Health, or authorizing any Inclosure of Lands under Special Report of the Inclosure Commissioners for England and Wales, or for confirming any Scheme of the Charity Commissioners for England and Wales shall be read a Second Time after Monday the 21st Day of July next:

"That when a Bill shall have passed this House with Amendments these Orders shall not apply to any new Bill sent up from the House of Commons which the Chairman of Committees shall report to the House is substantially the same as the Bill so amended."

DIVORCE AND MATRIMONIAL CAUSES BILL.—COMMITTEE.

Order of the Day for the House to be put into Committee, read.

Moved, "That the House do now resolve itself into a Committee on the said Bill."

THE DUKE OF NORFOLK:—My Lords, when the subject of this painful Bill was last before your Lordships' House, I took the liberty of stating what was the doctrine of the Roman Catholic Church on this subject—I was met by the declaration that the doctrine of that Church might be a sufficient guide and motive for myself upon the matter, but that in an assembly, the vast majority of which consisted of Protestants, it was hardly to be accepted by them. I admit the justice and the propriety of the observation, and I am anxious to address myself to the subject from a purely Protestant point of view. My Lords, I think there will be no inconsistency in my doing so, because, though the Church of Rome holds both oral and written tradition, she holds not less the written than she does the oral; and, although I should indeed be puzzled to prove some of her teaching by Scripture alone, this is not one of those cases. Here, my Lords, I maintain that the scripture teaching, even according to your own authorised version, is positive and clear upon the subject, and I may address myself to that alone without relying upon the authority of any church. My Lords, I ask, what is the basis of the present Bill? I have seen, my Lords, the Report of the Committee of your Lordships' House, and the Report of the Royal Commission. I have in vain sought to find in either of those reports any reference to Scripture. I have found a minute essay upon the state of the English law on the subject—the English law which you are going to alter. I have found an inquiry into the laws and customs amongst all the countries in Europe; and, speaking generally, I find that the Roman Catholic countries entertain one view, and the Protestant countries another. Now, it is this absence of evidence from Scripture which I seek to remedy by the proposal of which I have given notice. I do not think it necessary to dwell much upon the importance of the subject, for, although your Lordships would not, perhaps say that it is a sacrament (although it is referred to as a sacrament in two of the homilies of your Lordships' Church), and I will not press that matter, yet I know that there is not one of your Lordships who will not allow that it is a holy and sacred institution, an institution which is to be treated as a religious institution. Now, my Lords, there is more than one opinion upon this subject. Those who heard the able speeches of two of the right rev. Prelates upon the second reading of the Bill—those who heard the lucid and accurate scriptural arguments which those noble Lords adduced, must be aware that there are two opinions upon the matter. If you will grant us this Committee, I undertake to prove that there is scriptural authority against the main principle of the Bill which you are going to pass. I cannot be surprised at your Lordships not admitting the authority of the Roman Catholic Church; it is a very old matter, long since rejected. I cannot be surprised at the Fathers meeting with some misusage at your Lordships' hands; but I own I am surprised at your Lordships' seeking to alter that which is laid down by the Church of England, without reference to her own rule of faith upon religious teaching. Now, my Lords, I can conceive two arguments in opposition to

Motion. One of those arguments is, that this House is not the proper place for theological discussion. My Lords, I seek to remove the theological discussion from the body of the House to a more proper place, namely, a committee-room.. Your Lordships are, in fact, constituting yourselves the theological judges, and you are seeking to act without evidence, whilst I ask you to have evidence for what you are about to do. There is another view, which I think may be opposed to the Motion which I now make, and that is, that the exceptional legislation of your Lordships' House may be produced as an authority that there is nothing contrary to the Word of God in this measure. My Lords, I find that the custom was introduced in the reign of Charles the Second, at a time when, to say the least of it, morals were much relaxed. The first case which your Lordships' House passed, seems to be involved in some considerable obscurity. The second case, my Lords, was very strongly contested—seventeen Bishops out of twenty voted against it. The King appears to have been favourably disposed towards it. It was a case of some importance, and there were a number of Catholic heirs not less objectionable than now. It was carried after a great struggle, the King being favourable to it, by a majority of only eight; seventeen Bishops being, as I have said, against it. Then, my Lords, it seems to have worked on, as those things do work on, being little thought of, and succeeding generations began to forget the scriptural argument altogether, until, at last, people do not look at the question with half the attention which they pay to a turnpike Bill; they are satisfied with the loose opinions which they hear about it. My Lords, I do not desire to trespass longer upon your Lordships, and I thank you for the attention which you have been so good as to afford to me. I will state to your Lordships that, at any time reluctant to intrude upon you, I have been particularly so upon the present matter. I consider it one of the most painful subjects upon which your Lordships can adjudicate, and I wish that my conscience would have permitted me to stand entirely aloof from it. That, however, is not the case, and I therefore move—

"That the Bill be referred to a Select Committee, for the Purpose of taking Evidence and resolving as to whether the Permission for divorced Persons to marry again has any Warrant in Holy Scripture."

The Duke of Norfolk

The Bishop of ST. DAVID'S said, he had been unavoidably absent from the discussion on the second reading of the Bill; and as he did not entirely coincide with the views, so far as he had been able to become acquainted with them, of any of the noble Lords or of the right rev. Prelates who had addressed the House upon that occasion, he hoped their Lordships would then allow him briefly to state his views upon that important question. The observations he had to make would apply in a special manner to the Motion of the noble Duke who had just submitted his proposal to the House in a manner that did him infinite honour. The noble Duke had by his Motion, and by the language he had employed in its support, proved his own generous and noble and truth-loving spirit, and had shown, on a question on which he might without impropriety or inconsistency have stood aloof, that, while he was attached to his own Church, not from education or routine, but from the sincerest conviction of his heart, he was ready to submit the doctrines of that Church to the same test which Protestants were in the habit of applying to the doctrines of theirs. But he (the Bishop of St. David's) should state two reasons for which he felt himself unable to assent to the Motion of the noble Duke. In the first place, he would observe that he could see no probability that the course proposed by the noble Duke would lead to any satisfactory result. It appeared to him that all that could be disclosed before the Committee was already patent to every one; namely, that the question was a very difficult one, and one which admitted of very wide differences of opinion which it was utterly hopeless to attempt to reconcile:—that, unfortunately, was a fact already sufficiently manifest. There was, however, another objection which applied to the substance of the noble Duke's Motion, with regard to which he wished to state his views with great deference and humility; for he was not sure how far they might meet with the concurrence of his right rev. Brethren or of their Lordships generally—but they had forced themselves strongly on his mind, and he believed they were at least deserving of a little of their Lordships' consideration. The Motion of the noble Duke involved a proposition which, as far as he could see, had been assumed in the House and out of it as an unquestionable truth, but for which he should take the liberty of saying that he could find no sufficient foundation either in authority or in argument. That Motion assumed that our Blessed Lord had intended to take upon himself the character of a temporal legislator, and that all the precepts and prohibitions contained in the records of his teaching had been designed by Him to be embodied in the code of every Christian legislature. Now he (the Bishop of St. David's) believed that they would not be raising, but, on the contrary, very much lowering, the dignity of that Divine Person if they were to place him on a level even with Moses, much more with any uninspired legislator, or to suppose that He had assumed for himself any such character. He believed that they would be not raising but lowering the dignity of the sacred records which contained His word, His injunctions, and His prohibitions, by turning them into a letter which might become a dead letter, but which they sought to enforce by the sanction of civil authority and penal legislation. If he were told that such was the design of Our Lord, he asked for proof of that proposition. He had been unable to find any proof of such a doctrine in Scripture ; he could not find it in reason ; it did not appear to him to be in harmony with the general tenor of our Lord's teaching; and he thought it ought to be proved before it was assumed. If they were to act upon such a principle, he wanted to know where their Lordships would draw a satisfactory line at which to stop ? They had in history considerable experience of the consequences of such attempts. There had been periods of great religious excitement when human legislators had thought themselves bound to enforce the injunctions and prohibitions of the Gospel by secular authority; but he believed it was agreed on all hands that those attempts had been unsuccessful and unfortunate in their results. Most persons would probably admit that they had been injudicious in their means and processes. But he would venture to go further, and say that they were faulty in their fundamental principle. He believed that they had proceeded on a misconception of the whole spirit and design of the Gospel, and that they tended to fetter the freedom of Christianity by the letter of the Mosaic law. Let it not, however, be supposed that he did not attach the greatest possible value to every precept and every prohibition of our Divine Master, or that he did not consider him, in another sense, as a law-giver—namely, in the sense that everything he enjoined was binding on the consciences of Christians. That was one thing; but it was another thing to say that a Christian legislature was bound to embody everything of that kind in its legal enactments, and that whatever Our Lord had said would be sinful was to be prohibited by the law, and that whatever He had said ought to be done was to be enforced by the same authority. He humbly submitted that the duty of a Christian legislature, as such, was to conform to the general principles and spirit of the Gospel, and, as far as lay in its power, to educate the people committed to its charge, with a view to that end : but that in the adoption of measures for that purpose they were left to the exercise of their own discretion. But, although, for the reason he had just stated, he could not deny, but on the contrary contended for the right of their Lordships to pass such a Bill as that under their consideration, he must confess that he regarded the measure as a whole with feelings of strong apprehension and much anxiety. If the noble and learned Lord on the woolsack had, in the first instance, confined his Bill to the purpose of redressing the grievances, restoring the rights, and bettering the position of one of the parties to the nuptial contract, he would have dealt with a subject of sufficient difficulty and sufficient importance to have merited his undivided attention in one Session of Parliament; and after he had settled that matter he might have proceeded to take into his consideration the still more embarrassing question of the general state of our marriage law. But he (the Bishop of St. David's) could not but think that the tendency and almost inevitable effect of the passing of the Bill as it now stood would be to familiarise the minds of the people of this country with divorce, as under certain circumstances a common incident to marriage, and he did not believe that was a feeling which could conduce to the general well-being of the community. He thought, on the contrary, that however the measure might be reconcilable with the letter of certain passages of Scripture, it was unquestionably repugnant to the spirit of the Gospel, which undoubtedly went to preserve the marriage contract stable and inviolable, so far as it was in the power of man to make it so. He could easily understand that the noble and learned Lord on the woolsack, and other noble and learned Lords in that House, who had spent their lives in the administration of the law, should be desirous of correcting the existing anomalies in the state of the law, and should attach great importance to the establishment of a new court of justice, and consider that as a panacea for the evils they wished to remedy. But he must own that, in his eyes, the anomaly by which those noble and learned Lords were so much offended was rather a recommendation of the present state of the marriage law. No doubt, in the abstract, regularity was preferable to anomaly; as, in the abstract, a good road was preferable to a bad one. But practically that would depend on the end to which it led those who travelled over it; and if it terminated in a quagmire or the edge of a precipice, it might be better to shut up the road altogether than to mend it. He did not think the noble and learned Lord's Bill would or could have the effect of multiplying the number of happy marriages in this country—he apprehended it would and must open the door to much collusion, and he thought that it failed even to satisfy the abstract principle on which it was founded, and to accomplish the object for which it was framed. It would evidently be limited in its operation to a certain class in the community; and it was not at all clear that this was the class by which it was most wanted. Under these circumstances, though it was too late to offer any opposition to the measure, he could not but lament that it had been introduced, and felt himself bound to deprecate it as unnecessary and inexpedient.

THE EARL OF HARROWBY said, he could understand the right. rev. Prelate feeling the deepest solicitude in reference to the Bill under consideration, for it was one which nearly concerned the well-being of the whole community, and was especially worthy the grave consideration of those who were the appointed guardians of the public morals; but he thought the right rev. Prelate's opposition to the measure would have been more appropriate to the second reading than to its present stage, and it seemed to him to be founded on mistaken apprehensions as to its probable effect. With respect to the manner in which the noble Duke (the Duke of Norfolk) had brought his Motion under the consideration of the House, he must say it was one which would only serve to add to the general esteem in which the noble Duke was held wherever he was known. The noble Duke had expressed himself with that manliness, candour, good sense, and simplicity of purpose by which he had always been distinguished, and which could not fail to induce in their Lordships' minds the wish that he might in future take a more frequent part in their deliberations. But, with respect to the Motion of the noble Duke, he (the Earl of Harrowby) would ask what kind of evidence he would wish to call before the proposed Committee? Would the witnesses whom the noble Duke would call be the Prelates of his own Church, and those of the Established Church? and if so, would their Lordships be guided by testimony of that kind on the question in dispute? The matter was one on which religious opinion was very much divided, and he (the Earl of Harrowby) doubted whether their Lordships would be bound by the evidence given before such a Committee. Again, much would depend upon the manner in which such a Committee was constituted, as to the construction they might put upon the important texts of Scripture bearing upon the question in dispute. For those reasons it was quite clear they could not refer to a Committee a question of this kind. He contended, on the contrary, it was one which ought to be discussed and decided in a Committee of the whole House, when they came to the particular clause to which the noble Duke's Motion referred, and he therefore asked their Lordships, as they had already sanctioned the second reading, to negative the Motion, and proceed at once with the Bill.

LORD REDESDALE believed the question propounded by the noble Duke was precisely such an one as was most proper to be referred to a Select Committee, and that if a Select Committee were appointed, the result must be an opinion in accordance with the noble Duke's views. Last year, in the Committee, he (Lord Redesdale) proposed the following Resolution:—

> "That any enactment whereby marriage with a divorced woman shall be permitted will give legal sanction to that which God himself has pronounced adultery, and ought not to be agreed to."

And the Committee feeling themselves unable to negative the proposition would not allow the question to be put. Therefore, if the noble Duke pressed his Motion to a division, he (Lord Redesdale) would vote in its favour. He entirely agreed with the right rev. Prelate, (the Bishop of St. David's) that a Christian Legislature was not bound to enforce by positive legal enactment everything inculcated in the Scriptures; but, at the same time, he thought that when an existing law of the land prohibited something which was believed to be forbidden by the Scriptures, they were not justified in sanctioning what they believed was prohibited by Scripture, and what was certainly prohibited by law.

The Duke of ARGYLL, as a member of the Committee, must be allowed to state that their Lordships would make an erroneous inference if they supposed, from the noble Lord's remarks, that he had raised the same point before the Committee as was raised in the Motion of the noble Duke. The noble Lord, on that occasion, proposed a Resolution to the effect that it was inexpedient to sanction the principle of divorce *à vinculo matrimonii* at all. How many members of the Committee voted with the noble Lord? Only three out of a Committee of twelve. That division in his (the Duke of Argyll's) opinion, afforded a fair test of the opinions of the Committee. He trusted their Lordships would not agree to the Motion of the noble Duke, because even if successful, the House would not be bound by the decisions of the Select Committee. He regarded this Motion as an attempt to get rid of the Bill altogether; but although, in the opinion of some noble Lords, there might be many imperfections in the measure, he thought the proper course would be to consider it in Committee, when its defects might be amended.

Viscount DUNGANNON said, he could not but regard this measure as calculated to sap the foundations of all social, moral, and religious obligations, and he should therefore feel bound to vote for the Motion of the noble Duke. If the fate of the Bill depended upon that Motion, his determination would not be changed, for he regarded some of the provisions of the measure with the greatest alarm, believing that they would facilitate illicit connections, and would, to a considerable extent, disturb that social and domestic happiness which had hitherto prevailed among the married class in this country.

Lord DENMAN rose, and commenced an address to their Lordships, but presently referred to a written paper, from which he proceeded to read his observations. On loud cries of "order," the noble Lord said he was merely referring to the papers to refresh his memory, and to prevent his opinions from being misunderstood.

The Earl of DERBY rose to order, and said, the noble Lord was not only violating the rules of the House by reading his Speech, but he stated distinctly that he meant to read it, in order to prevent misapprehension.

Lord DENMAN said, he referred to notes in order to refresh his memory.

The Earl of DERBY said, that unless the noble Lord obtained permission to read a speech, he must call upon the House to enforce its orders.

Lord DENMAN read a few more passages from his written paper, when he was interrupted by general cries of "Question" and "Order," and after expressing his regret that he had not been better acquainted with the forms of the House, and his belief that the Bill would be attended with the greatest benefit to all classes of the community, he resumed his seat.

On Question, That the words proposed to be left out stand part of the Motion? Their Lordships *divided*: Contents 123; Not-Contents 26: Majority 97.

Resolved in the *Affirmative.*

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Cambridge, D.
Canterbury, Archbp.
Cranworth, L. (*L. Chancellor.*)

Cleveland, D.
Somerset, D.

Ailesbury, M.
Breadalbane, M.
Cholmondeley, M.
Westmeath, M.
Westminster, M.
Winchester, M.

Airlie, E.
Albemarle, E.
Bantry, E.
Belmore, E.
Bradford, E.
Burlington, E.
Chichester, E.
Clarendon, E.
Cowper, E.
Craven, E.
Derby, E.
Effingham, E.
Essex, E.
Fortescue, E.
Graham, E. (*D. Montrose.*)
Granville, E.
Grey, E.
Harewood, E.
Harrington, E.
Harrowby, E.
Innes, E. (*D. Roxburghe.*)
Leicester, E.
Malmesbury, E.

Minto, E.
Morley, E.
Munster, E.
Portsmouth, E.
Rosse, E.
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Seafield, E.
Shaftesbury, E.
Spencer, E.
Stanhope, E.
Wilton, E.

Eversley, V.
Falmouth, V.
Gordon, V. (*E. Aberdeen.*)
Hardinge, V.
Hill, V.
Hutchinson, V. (*E. Donoughmore.*)
Sydney, V.
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Bangor, Bp.
Bath and Wells, Bp.
Carlisle, Bp.
Hereford, Bp.
Kilmore, &c., Bp.
Lichfield, Bp.
Llandaff, Bp.
London, Bp.
St. Asaph, Bp.
St. David's, Bp.
Winchester, Bp.
Worcester, Bp.

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Aveland, L.
Belper, L.
Berners, L.

Blantyre, L.
Bolton, L.
Boyle, L. (*E. Cork and Orrery.*)
Brodrick, L. (*V. Midleton.*)
Byron, L.
Calthorpe, L.
Camoys, L.
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Clandeboye, L. (*L. Dufferin and Claneboye.*)
Clifton, L. (*E. Darnley.*)
Clonbrock, L.
Colchester, L.
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De Tabley, L.
Downes, L.
Foley, L. [*Teller.*]
Hatherton, L.
Hunsdon, L. (*V. Falkland.*)
Kenyon, L.
Ker, L. (*M. Lothian.*)
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Raglan, L.
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Dungannon, V.

Chichester, Bp.
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Oxford, Bp.
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Oriel, L. (*V. Massereene.*)
Overstone, L.
Petre, L.
Redesdale, L. [*Teller.*]
Stafford, L.
Vaux of Harrowden, L.
Wynford, L.

House in Committee accordingly.

Clauses 1 to 5 *agreed to.*

Clause 6 (Jurisdiction over Causes Matrimonial to be exercised by the Court of Marriage and Divorce).

EARL GREY said, it appeared to him to be a defect in the measure that these questions were to be decided on by a court the Judges of which were to be taken from other courts. He thought it a bad practice to constitute Boards or Courts of persons whose time was at present fully occupied by other business. The result was that the persons supposed to transact the business had practically very little to do with it. By the present clause the new court, which was to deal with all these questions, was to consist of the Lord Chancellor, the three chief clerks of the Common Law Courts, and one Judge in ordinary—the Judge of the new Probate Court. It was quite true that the single Judge in ordinary might deal with all cases except those which involved dissolution of marriage; but in the latter cases the attendance of three members of the court was necessary. The time of the Lord Chancellor and the three chiefs of the Common Law Courts was already fully occupied, and from the appointment of these Judges it might be inferred that the amount of business expected to come before the court would be very small. They had been told, moreover, that the object of the Bill was to remove a great anomaly and scandal, by which those only who could pay a large price for it were enabled to obtain divorce, and that whatever remedy was provided, the tribunal which was to render it must be accessible to all. If so, on what grounds could it be expected that the amount of business would be small? It was perfectly clear that if the tribunal was constituted as now proposed one of two things must happen—either such a scale of fees would be created as would debar all persons who could not command a large sum of money, or the court must very soon be choked up by the mass of business that would come before it—for he was afraid that the moral condition of the country was not so satisfactory but that, if you gave increased facilities for divorce, there would come before the court a much greater number of cases than it could possibly dispose of. He must say that he had great doubts as to the policy of giving such facilities as this Bill proposed for divorce *à vinculo matrimonii;* but if they were to give that remedy at all they were bound, upon their own principles, to provide the means by which it would be extended, not to one class, but to all. He thought that kind of divorce which simply implied separation ought to be made more accessible than this Bill made it to the humbler classes of society. Their Lordships were often disgusted by reading in the newspapers reports of cases of extreme cruelty on the part of husbands to their wives, and he was afraid that the punishment inflicted on the brutal husband was not unfrequently an aggravation of the evil to his wife, as he went back to her more exasperated than before. The proper remedy for such cases was to enable the wife to obtain a separation, and so put her in the way of maintaining herself without the fear of her drunken or profligate husband returning and taking away her earnings. The present Bill failed to provide for this. Indeed, no one Judge could dispose of the number of cases of this kind that would occur. The right course would be to allow a husband and wife, in such circumstances, to apply to the ordinary tribunals for a separation, instead of being compelled to go to a special tribunal appointed for that purpose. The ordinary tribunal might have the power to hear the case and then report the result to some central authority that might be constituted, that authority being authorised to grant a divorce *à mensâ et thoro*.

THE LORD CHANCELLOR said, that his noble Friend seemed to suppose that the court would be more expensive because it was presided over by some of the superior Judges; but there was no reason why the court should be more expensive than if it were presided over by inferior persons. It was only in causes for obtaining a divorce *à vinculo matrimonii* that the full court would be required to sit. The number of cases would undoubtedly be increased. He would not attempt to gloss over that. But the question was whether the number would be so greatly increased that the business of the court could not satisfactorily be got through with. Now, no human being could possibly divine beforehand what the amount of business in the new court would be; but, judging from his (the Lord Chancellor's experience, it had always been found to be much more easy to add to the number of functionaries in a court that was found to work well, than get rid of functionaries when they had become useless. The Lord Chancellor already practically exercised the same jurisdiction as that proposed. As to the Chief Justices from the other courts, if the duties of the new court were found to occupy too much of their time, he (the Lord Chancellor) would have no objection to alter his Bill, so that one of the *puisne* Judges might occupy the place of his chief. There would be no difficulty as to that. He had only to say that the example of Scotland, which was set forth as a model in this respect, had been followed. There all cases of divorce came before the Court of Session. The system worked well, and he was certainly not prepared in this country to confer on any inferior tribunals questions of such delicacy and nicety as would come to be considered under the provisions of this Bill.

The EARL OF DONOUGHMORE asked whether it was intended to reform the ecclesiastical law of Ireland, by extending the intended provisions of the present Bill to proceedings in divorce *à mensâ et thoro* in that country?

THE LORD CHANCELLOR said, it was his intention, if this Bill should receive the sanction of Parliament, to introduce a corresponding measure relating both to divorce and to testamentary jurisdiction in Ireland.

EARL GREY said, that the answer of the noble and learned Lord that the expenses of the new court need not necessarily be great, had not satisfied him. The expense of bringing up witnesses to London must be great. It appeared to him that one of two objections must prevail—either the scale of expenses must be kept so high as to shut out the less wealthy classes, from the new court, or if the expenses were lowered so as to admit those classes the court would be so overwhelmed with work that it would speedily be swamped.

LORD CAMPBELL thought that if their Lordships were agreed that it was expedient to transfer the privilege of dissolving marriages to a new tribunal, the court proposed by the Bill was the best that could be formed for that purpose. Judging from the paucity of causes for divorces *à mensâ et thoro* in the present court, he doubted whether the new court would be at all overborne by the weight of business.

Clause *agreed to.*

Clauses 7 to 14 *agreed to.*

Clause 15. (Wife divorced *à mensâ et thoro* to be considered as to Property a Feme Sole).

LORD ST. LEONARDS moved the Amendments of which he had given notice—

1. " To confine the Provision in Section XV. to Alimony, and to strike out the Authority to grant a Divorce *à mensâ et thoro* in the Case thereby provided.

2. " To provide for a Wife's Earnings and Property becoming her separate Estate after her Husband's Desertion for One Year.

3. " To take away the Husband's Right of Action for Damages for *Crim. con.*, and to make Adultery with a married Woman a Misdemeanor, and to give the Husband the Right to prosecute and the Court Power to impose a Fine, which is to become a Crown Debt; but the Court may direct it to be applied, as far as it may be required or will go, in Payment of the Costs of any Proceeding by the Husband to dissolve the Marriage.

4. " To provide, that if in any Case the Husband shall not prosecute but shall take Proceedings to obtain a Divorce, he shall be bound to

bring both his Wife and the Adulterer before the Court, and the Court shall have Power to impose a Fine on the Adulterer not exceeding £500, and to dissolve the Marriage; such fine to become a Crown Debt—but, if the Court shall so direct, to be applied as far as may be necessary in Payment of the Husband's Costs of Suit."

The following Clauses to carry into effect the proposed Amendments Nos. 2, 3 and 4.

1. To follow Sect. XIV.

"Where a Wife is deserted by her Husband, and that Desertion has continued without reasonable Excuse for One Year or upwards, and the Wife is maintaining herself by her own lawful Industry, if the Husband, or any of his Creditors, or any Person claiming through the Husband, interferes or attempts to interfere with the Wife in respect of her Earnings, or of any Property acquired by her during her Husband's Desertion by Means of her Earnings, or to make her Earnings or any such Property as aforesaid liable for any Debt or Default of her Husband, then it shall be lawful for the Wife to make Application to any Justice of the Peace, and thereupon it shall be lawful for the Justice, if he shall think fit, upon hearing the Parties, to give to the Wife an Order in Writing, under his Hand, restraining the Husband, Creditor, or other Person aforesaid from interfering or attempting to interfere with the Wife's Earnings or Property in manner aforesaid; which Order shall be in force for Six Months from the Date thereof, unless sooner discharged or varied by an Order of Two or more Justices of the Peace in Petty Sessions, and while in force shall protect the Wife and her Earnings and Property aforesaid against all Actions, Suits, Executions, and Proceedings whatever brought or taken by or on behalf of the Husband, Creditor, or other Person aforesaid; and any such Wife shall be at liberty from Time to Time to apply for a Renewal of such Order at the Expiration of the former Order; and any Person acting in wilful Disobedience to any such Order as aforesaid while in force shall be liable to a Fine not exceeding Pounds, and in default of Payment to Imprisonment for any Time not exceeding Months.

"Any Wife, whether she has made any such Application as aforesaid to a Justice of the Peace or not, may present a Petition to the Court of Marriage and Divorce, praying for Protection and Relief with respect to her Property on the Ground that she has been deserted by her Husband, and that the Desertion has continued without reasonable Excuse for One Year or upwards; and the Court on being satisfied with the Truth of the Allegations of the Petition may, it it shall see fit, make an Order granting her such Protection and Relief as aforesaid; and, subject to any special Directions by any such Order given, the Wife shall, by virtue of such Order, be and be deemed to have been during the Continuance of her Husband's Desertion of her in the like Position in all respects with regard to Property and Contracts, and suing and being sued, as under the Provisions of this Act she would be in case of a Divorce *à mensâ et thoro* obtained on her Petition."

The LORD CHANCELLOR said it was extremely difficult to make a provision in these cases which would not lead to greater evils than it was sought to remedy. The provisions of his Bill gave a wife a divorce *à mensâ et thoro* in case of being deserted by her husband for two years; Having obtained such a divorce the woman was restored to the position of a single woman in respect of her rights over her own property and earnings; but he did not think it would be well to take away the conjugal rights of the husband until such divorce had been obtained. To adopt the Amendment would be to render the law a dead letter. The repeated applications to a justice for a renewal of the order would swallow up in costs the whole of a wife's earnings, and lead to difficulties which would render the whole law delusive.

Lord ST. LEONARDS said, he did not see where difficulties could arise. There could be no difficulty in discovering whether a husband had deserted his wife or not, and whether the wife earned money by her industry requiring protection. The points which the magistrate would have to decide were of the simplest nature. His clause was to prevent an unworthy husband from sweeping away every penny of his wife's earnings. The Bill of his noble and learned Friend had not the slightest bearing on this part of the question; and, moreover, his noble and learned Friend had introduced the divorce *à mensâ et thoro* contrary to the recommendations of the Select Committee, and against his own measure of the last Session. In other countries a woman could obtain from a Judge that protection against a husband under such circumstances which he (Lord St. Leonards) asked their Lordships to give in his Amendment as regarded men who wilfully deserted their wives. This clause did not go anything like the length of the Bill which had been introduced in the other House, and which went to place the whole marriage law of this country on a different footing, and would, in fact, give a wife all the distinct rights of citizenship. He believed the measure to be a most mischievous one, and he proposed his Amendment as going as far as was desirable, and so prevent a greater evil.

Lord CAMPBELL said, the object of the Amendment was most meritorious; but he believed it would not work any good; while it would produce, in his opinion, the greatest confusion.

The Bishop of OXFORD said, he should support the Amendment, because it would give the woman protection for earnings, without driving her to the courts to seek divorce; and it was only a just protection to a woman in this position. He believed the woman would submit to almost any wrong before she sued for a divorce; whereas, if the Amendment was adopted, she would be enabled to take the intermediate step, and save her earnings for her children. He earnestly hoped, therefore, the House would adopt the Amendment.

THE EARL OF HARROWBY said, he thought the Amendment insufficient for the purpose, because it would only protect the wife's earnings of one year.

THE BISHOP OF ST. DAVID'S asked the noble and learned Lord who moved the Amendment, to explain how the property of the wife could be secured from her husband if her person were not secured. If the husband came to her home and seized any little treasure she might have in her drawers, what was there to prevent his squandering it?

LORD ST. LEONARDS said, it was the property and not the person to which the clause applied. The Amendment left the husband that which by his desertion he had proved he did not value—namely, the wife's person, and secured that which he desired to steal—namely, her property.

THE DUKE OF ARGYLL said, the Amendment enacted that the justice should "hear the parties." But one of the parties would necessarily be absent in the event of abandonment on the part of the husband. Now, the Committee recommended in their Report, that the property of the wife should be protected only after a divorce *à mensâ et thoro* had been obtained.

EARL GREY said, he could not see how, when a man who had deserted his wife, returned and claimed to live with her, it was possible to prevent him from having a claim to her property. But, on the other hand, he thought the arguments of the noble and learned Lord (Lord St. Leonards) were conclusive to show, that in the humbler ranks of life some prompt remedy was highly necessary to protect a wife who had been deserted by her husband from having any little property she might have acquired in his absence seized by him, as at present, whenever he chose to do so. Besides, he could not understand why some local tribunal, upon due cause shown by the wife, and after the husband, if he chose to appear, had had a full opportunity of being heard, should not be empowered to decree a separation *à mensâ et thoro.* He would not, however, give that power to a single justice, however high his opinion was of the magistracy of England as a body. The County Courts, however, administered justice in a perfectly satisfactory manner to all parties, and he did not see why the jurisdiction should not be given to them.

THE EARL OF POWIS said nothing was more common than cases of desertion in the practice of petty sessions, and there was no difficulty whatever in issuing a warrant upon the application of the parish officers. There could, therefore, be no difficulty in protecting the wife through the medium of the bench of magistrates. He, therefore, supported the Amendment.

VISCOUNT DUNGANNON said, if there was one class of persons who more than another required legislative protection, it was that of poor women in the humbler ranks, who, deserted by their heartless husbands, were struggling to maintain themselves, and often, it might be, a young and helpless family. He was, therefore, glad that a clause of this description had been brought forward by his noble and learned Friend (Lord St. Leonards), and if it should pass the House, it would be almost the very best thing the Bill contained. He hoped the noble and learned Lord would divide upon it.

LORD WENSLEYDALE was understood to say, that the principle of legislation was to legislate as was best on the whole, and in this view the law gave the whole property to the husband. He thought the Bill made a sufficient provision to meet the case, and should oppose the introduction of the Amendment.

THE MARQUESS OF SALISBURY expressed the hope that Lord St. Leonards would persevere with his Amendment, to which he gave his entire approval.

THE LORD CHANCELLOR thought the clause impracticable. In the first place, until the husband returned the clause gave no jurisdiction. It was not until he returned to his wife, forced himself upon her, and took possession of her property, that the clause gave her a right to apply for protection. If he did not at once take possession of her property and sell it, then the clause conceded to her an order which would prevent him from touching it. What was to become of it the clause did not say. Whether it was to be treated as a common fund, chargeable with the maintenance of any children that there might be, or whether the wife was to be permitted to spend it as she pleased, was left quite undetermined. So again, at the expiration of the six months the woman might apply for a renewal of the protection; but nothing was said in the clause about the circumstances under which the renewal should be granted or refused. He (the Lord Chancellor) fully admitted the evil complained of—an evil which he was as anxious as any one to remedy; but he did not think the proposed clause would answer the end the noble and learned Lord had in view. The real defect was the want of some cheap tribunal to deal with cases of the kind referred to. He defied their Lordships to give protection to the earnings of a woman deserted by her husband until they had first altered her *status*. He wished that that *status* should be called, not a "divorce *à mensâ et thoro*," but a "separation." The moment they decreed a separation they could give the wife protection; but so long as a husband had a right to force himself upon her it would be impossible to make any law that would protect her earnings.

The Bishop of ST. DAVID'S regretted that the noble and learned Lord should have made his clause apply to a mere hypothetical case. Why should a woman's remedy be dependent upon her husband's coming back?

Lord ST. LEONARDS denied that the clause was hypothetical: it provided against a given state of things, in which no remedy was required until the husband returned and endeavoured to seize upon her effects. Whilst his desertion of her lasted, and she maintained herself, she wanted no remedy. If she had any property she could maintain herself. A poor woman, deserted by her husband, acquired by her own industry a little furniture, took perhaps a small shop, or two or three rooms, and by her daily labour, or the sale of a few small articles, managed to maintain herself and children. The husband, finding that a little property was accumulated, just enough to excite his avarice, came with a broker, sold his wife's goods, and stripped her of everything. The clause would enable the woman to defeat the intended sale of her property. The noble and learned Lord asked what was to become of the property? There would be no property in the common meaning of the word. The case contemplated was where the woman had saved some £20 or £30, a sum which it was ludicrous to talk of as a common fund for the maintenance and education of the children. The case he wished to provide for, then, was not the case of a wife deserted by her husband who might come back and rob her of all she had accumulated during his absence, but of a wife deserted whose husband had come back and attempted to plunder her of her little savings. As to the difficulty of giving protection, he would appeal to the common sense of his noble and learned Friend whether there could be any real difficulty. Questions of desertion came before the magistrates every day. The clause had nothing to do with the question of separation, but to give a remedy to the woman for a most notorious wrong. He could assure their Lordships that he had given the clause very great consideration, though it might be still imperfect; but it was as a question of principle that he would press it on the House.

The Earl of DERBY said, that what had just been said had removed a difficulty he had felt, which was, that the remedy would be too slow. If he now understood rightly, the clause proposed that the woman should be freed from the liability of having her goods taken by her husband on his return after deserting her. He thought the remedy would be of no use unless the woman was already provided with it at the time at which the husband returned with the legal power of injuring her. He understood now that at the husband's return the woman had merely to go before the justice and get a temporary safeguard not as to separation, but merely to guard against the evil of the moment. This was a remedy for a very serious evil. But if the wife was to wait for her remedy till her husband returned, the remedy would not be sufficiently immediate. But his noble and learned Friend now proposed to take the division upon the principle that a woman should have protection against the sudden return of her husband, without any reference to divorce or separation. He was prepared to give in favour of the principle as cordial and unhesitating a vote as he had ever given since he had a seat in that House.

Earl GRANVILLE said, that the clause was altogether without precedent, and it had been shown by those most competent to deal with it that it was impracticable. Even the noble and learned Lord did not seem quite pleased with it. They were asked to agree to that clause, merely because there was a principle involved which they all wished should be carried out if it could be done; but all that he had heard had strengthened his conviction of the extreme difficulty of carrying it out, and he objected to pass a clause which all admitted to be impracticable.

The Bishop of OXFORD said, he could not think the difficulty pointed out by any means insuperable. It might be removed by making the protection dependent on the wife, showing that she had reason to fear that her husband, or his creditors, contemplated the seizure of her property.

Earl GRANVILLE suggested that the noble Lord should withdraw his clause, which had been admitted both by the noble Earl and the right rev. Prelate to be faulty, and should himself propose a corrected one at another stage.

The Earl of WICKLOW also thought the clause had better be postponed, and an amended one submitted to the House.

Earl GREY said, he thought the House ought to adopt some simple and cheap mode by which either a husband or wife might apply to a local tribunal for relief. He hoped, therefore, his noble and learned Friend (Lord St. Leonards) would not press his clause at present, but endeavour, on the Report, to bring up a clause which would, in the way he had now suggested, deal with the whole evil. If Her Majesty's Government would undertake to consider the subject, with the view of providing a suitable remedy, he would vote with them on the present occasion, should his noble and learned Friend go to a division; but if they would not undertake this, then he would be compelled to vote for the clause, however defective he might think it to be.

The LORD CHANCELLOR said, he had no hesitation in saying that the Government would most seriously consider the matter before the next stage of the Bill. But he hoped that in saying so he should not be misunderstood. No one could feel more anxious than he did to arrive at the conclusion which his noble and learned Friend aimed at, but he saw clearly the difficulties that stood in the way. He believed that it was impossible to come at the result he wished to arrive at, unless a new *status* were constituted, in addition to the two that already existed. Till they could adopt some mode of having a separation between man and wife, every attempt of his noble and learned Friend to secure the object he had in view would be delusive. All he could say was that he would most seriously consider the question; but he could not say that he should be able to come to a satisfactory result. More than this he could not say, as he was most desirous not to raise hopes which he might not be able to realize.

The Bishop of OXFORD hoped the House would observe that the noble and learned Lord had not promised anything which could be construed into a desire to carry out the wishes of his noble and learned Friend (Lord St. Leonards). The point which he promised on the part of the Government to consider was, the mode of effecting the separation of a wife from her husband; but that was not what his noble and learned Friend's clause aimed at. The noble and learned Lord (the Lord Chancellor) spoke of a third *status;* but no new *status* was meant by the clause now before the Committee. The object which the noble and learned Lord had in view was one quite different from that provided for in the clause, and therefore he hoped it would be clearly understood that the matter which the Government had agreed to consider was one of a very different kind from that contended for by his noble and learned Friend.

Earl GRANVILLE said, the statement of his noble and learned Friend (the Lord Chancellor) was made at the suggestion of the noble Earl (Earl Grey), who recommended that the clause should be withdrawn, and that Her Majesty's Government should seriously consider the question. His noble and learned Friend had stated accordingly that he was willing to take the matter into his serious consideration, provided, of course, the clause were withdrawn. If that step were not taken, then they must divide the House.

Lord ST. LEONARDS said, that the principle involved in his clause was one on which he should divide the House sooner or later, and he thought it would be more convenient to have their Lordships' decision now.

The noble and learned Lord consented to certain alterations, suggested by the Bishop of Oxford, in the clause, which then stood as follows:—

"Where a Wife is deserted by her Husband, and that Desertion has continued without reasonable Excuse for One Year or upwards, and the Wife is maintaining herself by her own lawful Industry, it shall be lawful for the Wife to make Application to any Justice of the Peace, and show Cause that she has Reason to fear that her Husband or her Husband's Creditors will interfere with her Earnings, and thereupon it shall be lawful for the Justice, if he shall think fit, upon hearing the Parties, to give to the Wife an Order in Writing, under his Hand, restraining the Husband, Creditor, or other Person aforesaid from interfering or attempting to interfere with the Wife's Earnings or Property in manner aforesaid; which Order shall be in force for Six Months from the Date thereof, unless sooner discharged or varied by an Order of Two or more Justices of the Peace in Petty Sessions, and while in force shall protect the Wife and her Earnings and Property aforesaid against all Actions, Suits, Executions, and Proceedings whatever brought or taken by or on behalf of the Husband, Creditor, or other Person aforesaid; and any such Wife shall be at liberty from Time to Time to apply for a renewal of such Order at the Expiration of the former Order; and any Person acting in wilful Disobedience to any such Order as aforesaid while in force shall be liable to a Fine not exceeding Pounds, and in default of Payment to Imprisonment for any Time not exceeding months."

On Question, whether the said clause shall be inserted? Their Lordships *divided:*—Contents 52; Not-Contents 44: Majority 8.

Clause *agreed to.*

CONTENTS.

Cleveland, D.
Norfolk, D.

Bath, M.
Salisbury, M.
Westmeath, M.
Winchester, M.

Amherst, E.
Carnarvon, E.
Dartmouth, E.
Derby, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Harrington, E.
Leven and Melville, E.
Malmesbury, E.
Mayo, E.
Morton, E.
Munster, E.
Nelson, E.
Pomfret, E.
Powis, E.
Romney, E.
Seafield, E.

Dungannon, V.
Hardinge, V.
Hutchinson, V. (*E. Donoughmore*). [*Teller.*]

Chichester, Bp.
Durham, Bp.
Hereford, Bp.
Kilmore, &c., Bp.
Llandaff, Bp.
Oxford, Bp.
Salisbury, Bp.
St. Asaph, Bp.
St. David's, Bp.
Winchester, Bp.

Berners, L.
Blantyre, L.
Bolton, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Delamere, L.
Denman, L.
Downes, L.
Kenyon, L.
Lyndhurst, L.
Oriel, L. (*V. Massereene.*)
Petre, L.
Redesdale, L.
Somerhill, L. (*M. Clanricarde.*)
Saint Leonards, L.
Vaux of Harrowden, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Ailesbury, M.
Breadalbane, M.
Cholmondeley, M.
Westminster, M.

Albemarle, E.
Burlington, E.
Chichester, E.
Clarendon, E.
Effingham, E.
Granville, E.
Grey, E.
Harrowby, E.
Innes, E. (*D. Roxburghe.*)
Minto, E.
Shaftesbury, E.
Wicklow, E.

Eversley, V.
Sydney, V.

Carlisle, Bp.
London, Bp.

Belper, L.
Byron, L.
Calthorpe, L.
Camoys, L.
Campbell, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Congleton, L.
De Tabley, L.
Foley, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)
Lilford, L.
Manners, L.
Minster, L. (*M. Conyngham.*)
Overstone, L.
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Saye and Sele, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Vivian, L.
Wensleydale, L.

Lord St.Leonards

On Clause 15, (Divorce *à Mensâ et Thoro* by reason of desertion of the Wife.)

LORD ST. LEONARDS objected to the power given by the clause, and preferred that proposed by the Bill of last year, which gave power to the Court to grant alimony in certain cases of desertion of a wife, but not divorces. He therefore proposed, according to the noble and learned Lord's own view last year, to confine the provision in this section to alimony, and to omit the authority to grant a divorce *à mensâ et thoro* in the case therein provided.

THE BISHOP OF OXFORD agreed with the noble and learned Lord, and considered the power given by the clause as most monstrous. A man might be absent from this country upon perfectly legitimate business, and his wife might be persuaded by some cunning person to ask for a divorce, which, under this clause, would be granted, without the husband having any opportunity of opposing it, or even of knowing anything of it.

THE LORD CHANCELLOR said, the objections of the right rev. Prelate would not apply, because the Court must be satisfied that the desertion was a *bona fide* one, and there was no more probability that they would decide upon an *ex parte* hearing than the present Courts did.

VISCOUNT DUNGANNON considered the clause as it stood a very dangerous one, as affording opportunities for collusion. It showed more than any other the dangerous consequences which were to be apprehended from this Bill.

THE MARQUESS OF WESTMEATH rose to propose the Amendment of which he had given notice; namely—

"And be it enacted, That in any Case where any Husband and Wife shall have been separated for Twenty Years and upwards by any Sentence *à mensâ et thoro*, without Condonation or subsequent Cohabitation, it shall be lawful for either or both of the said Parties to marry again: Provided always, that nothing in this Act contained shall be construed as intended to cancel or alter any Settlement or other arrangement of the Property of either Party, or to place in Doubt the Validity of any Jointure or Dowry of any married Woman ensured to her by her till then existing Marriage, nor to forfeit for her any Immunity of existing Dignity or Privilege; but the Relief intended by this Act shall be confined to authorize the Parties so separated, or either of them, to contract a Second valid Marriage, founded upon the Dictum of Holy Writ, 'That it is not well for Man to be alone.'"

He thought that under the existing state of the law such an Amendment was necessary. Noble Lords might possibly not admit its necessity, but he would undertake to say that it would be only just. He quite went with the majority of their Lordships in thinking that the property of a wife as well as everything else relating to her should be protected from unjust or unkind treatment on the part of her husband. But he was prepared to prove from examples, and to forfeit his existence should he fail, in the opinion of all just and candid persons in so doing, that it was in the power of any woman who was separated from her husband by a divorce *à mensâ et thoro* to act in such a manner as to make her husband's life totally unendurable. This Bill was no sooner bruited—that is to say, this Session of Parliament was no sooner imminent, and it was ascertained that this Bill, or something like it was to be introduced to their Lordships' House—than a book was put forth of 200 pages, which was surreptitiously published—that is to say no printer's name was affixed to it—but bearing the name of the lady who did him the honour to call herself by his (the Marquess of Westmeath's) name. It was sent to all the clubs; and within the last fortnight a severe, and, as he thought, libellous attack had been made upon him in consequence in the columns of a most respectable newspaper, naming him and connecting him with the Bill that was now before their Lordships. This was why he now took the liberty of proposing that clause, and showing to their Lordships the necessity for its adoption. That newspaper, very properly, the next day but one after he had given notice of his intention, took a very fair line, and gave him (the Marquess of Westmeath) to understand that public opinion upon the matter should be suspended pending his notice. From first to last this book contained the grossest perversions of matters where they related to fact, and some of the most unjustifiable untruths that could be put together to blast and ruin the reputation of the man who was the subject of it. The book was dedicated to his noble and learned Friend (Lord Lyndhurst) who sat underneath him, and another noble and learned Lord who was not present. Their Lordships might think it a very serious thing for a man sitting in his place to be the subject of accusations which, if true, would make him unfit to move in any respectable circle of society, and disqualified to take his seat in their Lordships' House. Now, it was doubly incumbent upon him to prove what he had stated. In the first place, he stood in the situation of a man whose reputation and comfort in life had been dealt with by an institution which their Lordships were now about to abolish, and therefore he had the better claim to ask their Lordships' indulgence on the present occasion. He knew very well that it was impossible to say that their Lordships were not always willing to extend their consideration to any Member of their Lordships' House who might seek to set himself right before he presumed to come and take his seat amongst them. Now, this book bore the name of a most respectable person of the name of Ridgway. It was a most respectable name; and how it happened that the name of a respectable publisher, or rather depositary, of this book could have been attached to it he (the Marquess of Westmeath) could not tell. He must have been grossly imposed upon, for otherwise he would not have consented to publish such a book. He (the Marquess of Westmeath), on the 1st of May last, as he was coming from Dublin, just as he was stepping on board the steamer, a friend brought him a Dublin newspaper, in which a notice of this book was among the literary announcements. It consequently became his duty, the day after he arrived in London, to seek to obtain a copy. He sent upon two occasions——

LORD REDESDALE (Chairman of the Committee) rose, and said he felt it his duty to call the noble Marquess to order. He could well believe their Lordships would, on a proper occasion, afford the noble Marquess an opportunity, if he wished it, of putting his own conduct in the light in which he desired it to be held; but when the House was in Committee on a Bill, it was hardly allowable to permit the noble Marquess to introduce matters in which he was personally concerned. He (Lord Redesdale) therefore trusted that the noble Marquess, in moving this clause, would confine himself to such remarks as fairly bore upon the subject under consideration, and not enter into a discussion upon a topic which, however much he might desire it, was irrelevant, and which their Lordships would probably permit him to bring under their notice on a more fitting occasion.

THE MARQUESS OF WESTMEATH said, that he was perfectly satisfied that the noble Baron thought he was doing his duty in interrupting him. But what he (the Marquess of Westmeath) was about to say were reasons why they should adopt this clause; he was about to prove to their Lordships that, the present state of legal existence of a woman separated from her husband *à mensâ et thoro*, particularly by the instance which he proposed to adduce, unless he were interrupted, and prevented from so doing, was a state of the law which ought not to be allowed to continue in this country, but which ought to be repealed; and repealed in such a manner as to make sure that, after a woman had been so separated, she should not be permitted to make use of that situation, being a wife without a husband, to injure and asperse his character, and to destroy his reputation, so as to make him unfit for a seat in their Lordships' House. If he proved this, he should have fulfilled the purpose which he proposed to himself when he rose to address their Lordships. The book set out at starting by saying in so many words that he was a villain. Was he not right in stating this as an argument for the alteration or improvement of the law? If so, he was prepared to bring forward six other irrefragable proofs of the proposition if he were not interrupted in doing so. He did not mean, and he had no wish, to break the rules of their Lordships' House. But he thought that his arguments and proofs were strong, and that he ought to be permitted to go on to show why his Amendment ought to be the law of the land.

THE EARL OF DERBY rose to order. He was sorry to have to interrupt the noble Marquess in his vindication of himself before their Lordships' House; but he was quite sure his noble Friend would see, on a moment's reflection, that the subject he was introducing was exceedingly painful to the House, and one which he (the Earl of Derby) thought must be not less painful to the feelings of his noble Friend himself. He thought his noble Friend would feel the difficulty of tracing any connection between his own case and the clause he was proposing. What his noble Friend complained of was a series of scurrilous libels against his character, for which the law as it stood already gave him a remedy; but the clause he was now proposing would not afford him the slightest remedy for any injury his reputation might have suffered from that cause. He would therefore appeal to his noble Friend not to pursue a course which he was certain must be painful to his noble Friend's own feelings as well as to the rest of the Members of their Lordships' House.

THE MARQUESS OF WESTMEATH said, that after what had fallen from the noble Earl, he was prepared to acquiesce in his recommendation. But he would beg leave to make one observation more. His noble Friend said that the law was open to him. But this book had been surreptitiously published, and, though it had been widely circulated, it was with the greatest difficulty that he had succeeded in obtaining a copy. The Marchioness of Westmeath had named him at full length. He was told that the law was open, but he defied any lawyer to show how he had any means of redress. But he readily acquiesced in the noble Earl's recommendation, and would accordingly abandon the Amendment.

Amendment *withdrawn.*

Clause *agreed to.*

Clauses 16, 17, and 18 *agreed to.*

Clause 19 (on Adultery of Wife or Incest of Husband, Petition for Dissolution of Marriage may be presented).

THE EARL OF DONOUGHMORE rose to move an Amendment in the clause, for the purpose of allowing a wife a right to a divorce on account of the adultery of a husband, just as a husband was to have a similar right on account of the adultery of a wife. The Bill limited the right of the wife to divorce to the case of incest, bigamy, or aggravated cruelty; now he did not see any ground in Scripture or reason why the two parties to a marriage contract should not be put in that respect upon a footing of complete equality. It might be said that the adoption of his proposal would lead to the danger of collusion; but there was no reason why such a danger should arise from giving a certain privilege to the wife, any more than from giving it to the husband. The noble Earl concluded by moving the omission from the clause of the words which limited the right of the wife to abtain a divorce on account of the adultery of her husband.

THE LORD CHANCELLOR said, there was an appearance of great justice about the proposal of the noble Earl—namely, that the same privilege should be accorded to the one sex as to the other. *Primâ facie* that seemed to be a very reasonable proposition. Their Lordships had not, however, to consider whether the sin was as great in the one case as in the other, but they were required to adopt such legislation as might be most expedient for this country. The question was not whether a husband who was guilty of adultery might not, in the eyes of God, be equally guilty with a wife, but whether such an act of impropriety or of sin on the part of a husband called for the same remedy which ought to be afforded when a similar act was committed by a wife. Without entering into any discussion of the question upon moral or religious grounds, every man must feel that the injury was not the same. A wife might, without any loss of caste, and possibly with reference to the interests of her children, or even of her husband, condone an act of adultery on the part of the husband; but a husband could not condone a similar act on the part of a wife. No one would venture to suggest that a husband could possibly do so, and for this, among other reasons which had been pointed out by jurists—that the adultery of the wife might be the means of palming spurious offspring upon the husband, while the adultery of the husband could have no such effect with regard to the wife. It was true there might be cases of adultery in which it was impossible for a wife to pardon her husband; but in such cases a remedy was already afforded to the wife.

THE EARL OF DONOUGHMORE said, that the state of the law which he wished to have adopted in this country was already in force in Scotland, and without any injury, as far as he could learn, to the morals of the people of that country.

LORD LYNDHURST said, that, on the second reading of this Bill, he had stated as fully as he was able the arguments by which he thought the Motion of his noble Friend might be sustained. He felt very strongly upon the subject, but he would not occupy the time of their Lordships by repeating the arguments he had before urged. He had heard nothing on the present or on former occasions which at all affected the opinion he had formed on this important question, and if his noble Friend pressed his Amendment to a division, he would vote in its favour. He thought that as an act of justice the concession requested by his noble Friend ought to be made.

LORD CAMPBELL observed that this question had been most carefully and deliberately considered by the Commissioners upon whose Report the Bill was founded, and they came to a unanimous conclusion that it would not be safe to make any further relaxation of the law. They were of opinion that a wife should only have the right of divorce when it was impossible that she could continue to cohabit with her husband, or that condonation could take place — namely, where incestuous adultery occurred, or other cases of extreme aggravation. They thought that in the nature of things there was a material distinction between adultery on the part of the husband and adultery on the part of the wife, and that it would lead to the most lamentable consequences if the wife, in any case of adultery on the part of the husband, unattended with aggravating circumstances, should have the power to insist that the marriage should be dissolved. The example of Scotland had been referred to; but that was a country with a small population, with peculiar habits, and very religious notions, and, without meaning any disparagement to England, he might be permitted to say that that which operated innocently in the one country might operate prejudicially in the other.

On Question, that ("incestuous") stand part of the clause—

Their Lordships *divided*:—Contents 71; Not Contents 20: Majority 51.

CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Bath, M.
Salisbury, M.
Westminster, M.

Abingdon, E.
Albemarle, E.
Amherst, E.
Bantry, E.
Beauchamp, E.
Burlington, E.
Carnarvon, E.
Chichester, E.
Clarendon, E.
Dartmouth, E.
Derby, E.
Effingham, E.
Fitzwilliam, E.
Granville, E.
Grey, E.
Hardwicke, E.
Harrington, E.
Harrowby, E.
Innes, E. (*D. Roxburghe.*)
Leven and Melville, E.
Malmesbury, E.
Morton, E.
Powis, E.
Shaftesbury, E.
Spencer, E.
Stanhope, E.

Wicklow, E.

Eversley, V.
Falmouth, V.
Torrington, V.

Bangor, Bp.
Bath and Wells, Bp.
Chichester, Bp.
Kilmore, &c., Bp.
Lichfield, Bp.
Lincoln, Bp.
Llandaff, Bp.
London, Bp.
St. Asaph, Bp.
St. David's, Bp.
Winchester, Bp.

Belper, L.
Berners, L.
Brodrick, L. (*V. Midleton.*)
Byron, L.
Camoys, L.
Campbell, L.

Carew, L.
Clandeboye, L. (*L. Dufferin and Claneboye.*)
Colchester, L.
Colville of Culross, L. [*Teller.*]
Delamere, L.
De Tabley, L.
Downes, L.
Foley, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)
Kenyon, L.
Manners, L.
Monteagle of Brandon, L.
Redesdale, L.
Rivers, L.
Saye and Sele, L.
Somerhill, L. (*M. Clanricarde.*)
Saint Leonards, L.
Vivian, L.
Wensleydale, L.
Wycombe, L.

NOT-CONTENTS.

Cleveland, D.

Winchester, M.

Mayo, E.
Minto, E.
Munster, E.

Romney, E.
Dungannon, V.
Hutchinson, V. (*E. Donoughmore.*) [*Teller.*]

Hereford, Bp.

Oxford, Bp.

Blantyre, L.
Calthorpe, L.
Clonbrock, L.
Congleton, L.
Denman, L.
Ker, L. (*M. Lothian.*)
Lyndhurst, L.
Oriel, L. (*V. Massereene.*) [*Teller.*]
Talbot de Malahide, L.
Vaux of Harrowden, L.

Question again proposed, "That the clause stand part of the Bill."

LORD LYNDHURST said, that on the second reading of the Bill he mentioned that he would move certain Amendments in the Committee; and in pursuance of that promise he should now propose an Amendment to the clause to the effect that wilful and malicious desertion for five years should be a sufficient ground on which a dissolution of marriage might be pronounced. It was not his intention to fatigue their Lordships by again going over in detail the grounds he had laid before them on a former night in support of this proposition; but would merely state, for the purpose of recalling his argument to their Lordships' recollection, the points he relied on. First of all, the desertion his Amendment contemplated was a breach of one of the most sacred and solemn engagements which man could contract; and a breach of the contract on the one side justified and called for the liberation of the other party from it. In the next place, it entirely defeated all those important objects for which marriage was instituted; and, thirdly, the effect of this breach of contract on one side was an act of the greatest cruelty to the other party. Under these circumstances, he urged, if one of the parties to the contract disregarded all those points to which he had referred, and practically put an end to the marriage, it was the height of injustice that the other party should continue to be bound by it. Then the remaining question was whether this dissolution of the contract under such circumstances was consistent with Scripture. It was not for him to argue a question of this kind in the presence of the right rev. Bench. He had already stated to their Lordships that all the great authorities on this subject went one way. He had reminded the House that this was a subject that received anxious and mature deliberation at the time of the Reformation, and that the result of the discussions which then took place was to establish that malicious and wilful desertion was a scriptural ground of divorce. He believed there was no dissenting voice upon the question, and he might refer to a few of the names of the distinguished men who took part in those deliberations, and who concurred in affirming that principle. He might mention Archbishop Cranmer, the Bishop of Winchester, the Bishop of Ely, the Bishop of London, Martin Bucer, and many other distinguished men. He might further refer to the names of Peter Martyn, Luther, Melancthon, and a long list of eminent men who held the same opinion that wilful desertion was a ground of divorce. Everybody knew that in consequence of the conclusions then arrived at every Protestant Church on the continent of Europe acted upon the principle, and had done so from that time to the present, that wilful desertion for a certain period was a sufficient scriptural ground for divorce *à vinculo matrimonii.* In England, in the time of Edward VI., a Commission, composed of men eminent for their learning and ability, investigated this subject, and came to the unanimous agreement that malicious wilful desertion was a scriptural ground of divorce. Among the distinguished men who formed that body were the Archbishop of Canterbury, the Bishops of London, Winchester, and Ely, Latimer, Parker, and a great many other eminent divines. In Prussia, where the question had been long and seriously considered, and where many alterations had been made in the law of divorce, they retained two special grounds of divorce—namely, adultery and desertion. By the law of Scotland desertion for four years was sufficient to annul a marriage; but he proposed that the period should be five years. It would, perhaps, be said this was in opposition to the law of England; but the object of the Bill was to correct the law, to act according to justice, and according to nature and reason. He proposed this as being in accordance not only with justice and equity, but with the doctrine of Scripture, and he trusted it would receive the sanction of their Lordships. The noble and learned Lord then moved an Amendment after "upwards," to insert "or of wilful desertion without reasonable cause for five years or upwards."

THE LORD CHANCELLOR said, with great respect to the deserved influence of his noble and learned Friend's opinion, this was a point on which he had less hesitation in disagreeing from him than on almost any other proposition. He felt perfectly satisfied that, instead of his noble and learned Friend's argument being sound, it was most unsound; and he was satisfied that if the Amendment were adopted, it would ensure the defeat of the whole measure. The moment they went one step beyond the case of adultery, where and when would they stop? If desertion for five years was sufficient, why not desertion for four years, as in Scotland? Why not three, two, or one? The moment they laid down desertion as a ground of divorce they would have the husbands deserting their wives. Why not be consistent, and say at once that whenever the husband and wife, from incompatibility of temper, or to suit each other's convenience, thought well to part, they should, as in the northern States of Germany, be allowed to do so? That was at this moment the law of Prussia, and the Chambers were totally unable to change it; for when on a question of this kind they established a social system, it became difficult to alter it. He would not enter into the religious part of the question, for he agreed with the right rev. Prelate (the Bishop of St. David's), that in legislation they ought to act on the spirit and principles to be justly deduced from Scripture, and not on the particular words of a few passages which might seem to favour particular tenets. It might be that the proposal of his noble and learned Friend might not be opposed to Scripture; but, deeming it inexpedient and opposed to the interests of society he must certainly resist its adoption.

LORD LYNDHURST said, he had expected to hear his arguments combated by some more powerful arguments than those on which his noble and learned Friend had based his opposition to the clause. As to the question of where were they to stop, he would reply they should go no further than was consistent with the Scriptural construction of divorce. In Prussia the line had been drawn just at that point. So in Scotland, where the law of divorce was less contracted than in this country, no inconvenience had been felt, and no desire expressed for any change. The noble and learned Lord had said nothing of the breach of the solemn compact of marriage, nothing of the cruelty and hardship inflicted upon women who were the victims of the laws which men made. He repeated, that marriage was a compact of a most solemn character, and that if it were broken mercilessly by one party, how was it consistent with justice to hold the other party bound by it? He would not refer to texts of Scripture, but to the authority of able and learned men, whose business it had been to study the Holy Writings, and whose conclusions bore him out in the course he was now taking.

THE BISHOP OF ST. DAVID'S said, that the noble and learned Lord had referred to no Scripture texts to prove his case. He produced a list of names, names distinguished no doubt, but such as could not supply the place of that argument on which he laid so much stress. He was himself utterly unable to recollect a single passage of Scripture either in the Old or New Testament that could, without the most violent construction, be brought to bear on the argument of the noble and learned Lord. To ask them to divide in favour of the proposal without citing some Scriptural authority for it, was expecting rather too much.

LORD LYNDHURST said, he could have alluded to several texts in support of his proposal, but the argument would have been too refined for such an assembly. What he maintained was this, that the law in this part of the island was an exception to the law of Protestant Europe, and to the law of Scotland on the point, and was, in fact, a remnant of the Church of Rome.

THE DUKE OF ARGYLL opposed the Amendment, thinking they ought to keep as much as possible to the one ground of divorce mentioned in Scripture. There was only one Scriptural passage that could be cited relied on in support of the view taken by the noble and learned Lord, and that only could be pressed into service by the most violent construction and special pleading.

LORD CAMPBELL opposed the proposal, as contrary to the principle of the Bill, which was not to change the law of divorce, but only the mode of administering it.

LORD LYNDHURST said, the law ought to be made to correspond with justice in this case as in all others. No evil results had taken place in Scotland from the law which existed there.

On Question, their Lordships *divided:* —Contents 8; Not-Contents 97: Majority 89.

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Harrowby, E.
Innes, E. (*D. Roxburghe.*)
Malmesbury, E.
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Lichfield, Bp.
Lincoln, Bp.
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Somerhill, L. (*M. Clanricarde.*)
Stafford, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Vaux of Harrowden, L.
Vivian, L.
Wensleydale, L.

Question again proposed, "That the clause stand part of the Bill."

THE BISHOP OF OXFORD said, the evil of this clause was to be found in its connection with the 43rd clause, which gave an interpretation to the dissolution of marriage to which he could not consent. He should be obliged, therefore, on that clause to submit to their Lordships his reasons for opposing it.

THE EARL OF DERBY put the case of a man who had committed incestuous adultery with his wife's sister, and whose marriage was dissolved on that ground; and he asked if that dissolution of the marriage, by which the party with whom the husband had committed incest was no longer his wife's sister, would preclude him, under the Bill, from marrying the woman with whom he had committed incest, the law as it at present stood prohibiting a man from marrying a wife's sister.

THE LORD CHANCELLOR said, that the husband would not be at liberty to marry the sister in that case, for the marriage would still be incest. If a person had criminal connection with a woman, it would be incest afterwards to marry her sister. What would have been incest before the divorce would be incest afterwards; besides the clause permitting the marriage only permitted it as if the former marriage had been terminated by the death of the wife.

THE EARL OF MALMESBURY asked, if a wife who might obtain a divorce by this Bill on account of her husband's incestuous adultery was placed in the position of a woman who was dead, as respected the relation of the husband to her sister.

THE LORD CHANCELLOR said, clearly he would not be at liberty to marry his wife's sister in that case.

EARL GREY desired to know, if in the case of a man who contracted marriage, and it afterwards turned out that he had

had years before criminal intercourse with his wife's sister, such a marriage would be null.

THE BISHOP OF OXFORD said, by the law ecclesiastical the connection with the unmarried woman made the marriage with her sister impossible. It would be a ground for setting aside such a marriage as being null and void, because by the law ecclesiastical it was an incestuous commixture.

Clause *agreed to.*

Clause 21 (Dismissal of Petition).

THE EARL OF MALMESBURY cited several cases of women who had been frequently divorced, and proposed the following Amendment:—

"In case the Court on the Evidence in relation to any such Petition shall not be satisfied that the alleged Adultery has been committed, or shall find that the Petitioner has, during the Marriage been guilty of Adultery, or has been accessory to or conniving at the Adultery complained of, or has condoned the same, or that the Petitioner has been previously divorced on the Ground of Adultery, whether committed with the Person against whom any such Petition is presented or with any other Party, or that the Petitioner has committed Adultery with the Person against whom any such Petition is presented, and has thereby caused such Person to have been previously divorced, or that the Petitioner, previously to the Marriage, knew that the Person against whom any such Petition is presented had been previously divorced at the Instance of any former Husband or Wife, or that the Parties have notoriously cohabited previously to their Marriage, then and in any of the said Cases the Court shall dismiss the Petition.

THE LORD CHANCELLOR objected to the Amendment.

THE EARL OF MALMESBURY said, it had happened frequently in Germany and Poland, where two adulterous parties had been first divorced and subsequently married, for one or both of them to commit adultery again, and go into court and be divorced a second time. A system like that would be a great scandal if allowed in this country; and he wanted to know how it was to be guarded against under this Bill?

THE BISHOP OF OXFORD had known a case in which it was proved that the husband had seduced his wife before marriage, and afterwards, upon his applying for a divorce upon the ground of her subsequent adultery, their Lordships had refused the application, holding that he was not entitled to the remedy to which a husband would have been entitled had he come before them with clean hands. Now, inasmuch as the new Court would exercise no discretion, but administer the letter of the law, it was necessary that the letter of the law should contain such conditions as would apply to cases of this sort, otherwise they would be introducing a licence to crime.

THE LORD CHANCELLOR said, he would consider the points referred to by the noble Earl opposite. He saw no objection to providing for a case of that sort, but he did not like to pledge himself offhand to the adoption of any particular provisions.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 22, *agreed to.*

On Clause 23 (Alimony).

THE BISHOP OF OXFORD called attention to the circumstance that this clause provided that a husband who obtained a divorce from his wife might be required to allow her alimony to such amount as the Court, having regard to the ability of the husband and the conduct of the parties, should think reasonable, but that the Bill made no provision for the allowance of alimony to a wife who obtained a divorce against her husband.

THE LORD CHANCELLOR expressed his readiness to consider the propriety of altering the clause.

Clause *agreed to.*

Clause 24 *agreed to.*

THE EARL OF DERBY gave notice that his noble and learned Friend (Lord St. Leonards) would bring forward on the Report the clause of which he had given notice, constituting adultery a misdemeanour, and imposing a fine on the adulterer.

THE BISHOP OF LINCOLN said, that the morality of the country owed a debt of gratitude to the noble and learned Lord for taking adultery out of the category of civil offences and constituting it a misdemeanour; but he thought that the punishment should be more proportioned to the offence, and that conviction should be followed by fine and imprisonment.

THE LORD CHANCELLOR having observed that enormous difficulties stood in the way of making adultery a misdemeanour in all cases,

Clause 25 to 42 *agreed to.*

Clause 43 (Liberty to Parties to marry again).

THE BISHOP OF OXFORD said, he wished to say a few words in opposition to the clause. He would pass over the scriptural argument, having dealt with that already, by simply saying that the more he studied it the more he became convinced that the scriptural authorities were clear and plain against allowing the re-marriage of persons who had been divorced. He was confirmed in this opinion by some of the most eminent divines of the Church of England, who had spoken most explicitly on the point, and declared that it was absolutely contrary to the law of God that either party should contract marriage after divorce. Supposing, however, the case to be doubtful, what were the alternatives? On the one hand they might possibly be withholding, in a few evil cases, a liberty which, if it could be granted with safety in others, might be granted,—that was all; but if, on the other hand, they made the law directly antagonistic, not to certain texts taken out of Scripture, but to the tenor of the instruction of our Blessed Lord on the subject, they opened a path for sin, and almost certainly led the coming generation into trifling with this holy ordinance. It had been said that there was not the least reason to apprehend this danger, because they took their stand on unassailable ground; but that, if they admitted other causes than adultery for the dissolution of marriage, then all those evils which were anticipated by some might follow. But had they not heard one who might be styled the Nestor of their assembly argue that it was a scriptural relaxation to grant divorce for five years' absence? therefore how impossible it was to say that they took their stand upon unassailable ground. The only argument beside the scriptural one that had been urged was the example of Scotland; but, looked at closely, the case of Scotland afforded no real indications of the working of the system. The law of that country had been, to a very great degree, modified in practice by her relationship to England. The overshadowing effect of the union with England had prevented Scotland from running into the same extreme as the nations of the Continent, and passing from one degree of liberty to another in the matter of marriage. Then, in considering this question, they ought to take into account the fact that the whole of Christendom, from the very earliest date, both in the East and West, had maintained views contrary to those laid down in this clause. His noble and learned Friend (Lord Lyndhurst) referred the other evening to the case of Napoleon, which was the only one which his fertile brain and unwearied research could produce; but even this example of Napoleon was not a case in point. By a rule of the Council of Trent it was provided that in every nation in which its canons were published as part of the national law, there should be necessarily present a priest, and at least two witnesses to make a marriage valid. In France these canons had been published as part of the law. Napoleon was married without the presence of the necessary witnesses; and afterwards, when he re-established the Roman Catholic faith, he was strongly urged to be re-married according to the requirements of the Council of Trent; but he declined to do so, lest he should shock too much the feelings of those who had been married in the same way as himself. The Court of Rome therefore did not pass a divorce, but pronounced his marriage null and void *ab initio*, and Austria took care to have the fullest investigation into the matter before consent was given to a marriage with Napoleon, so that there should be no doubt as to the legitimacy of any issue that might follow. When, therefore, it came to be examined, the very case cited by his noble and learned Friend as showing that the Western Church allowed such re-marriage broke down. As to the Eastern Church, the lax practices which prevailed in the countries under its influence showed the lamentable consequences that must ever follow a departure from right principle on the question of marriage. The practice there had led to the greatest laxity; so great, indeed, that the wife of a convict sent to another part of Russia was allowed to marry again: but the canons of the Eastern Church were equally clear upon the point, and declared that, though there might be a dissolution of marriage on account of adultery, there could be no re-marriage. Reference had been made to the time of the Reformation; but there could be no doubt that many of the men of that time, eminent and learned as they were, had gone to an extreme in their views as to the ground on which marriage might be dissolved. He asked them would their Lordships do that which they were not asked to do, and introduce licence when the general state of the law was acquiesced in? No one would pretend to say that there was any demand from the people of this country for such a change as was now proposed. On the contrary, it must be admitted that there was universal acquiescence in the present state of the law. [Lord CAMPBELL interposed an observation]. The noble Lord spoke of *privilegium*, but what were those *privilegia* but acts of that House to save particular people from the penalties of bigamy? He pledged himself that, if their Lordships threw out the obnoxious clause, he would come down to the House, and oppose every case of *privilegium* that was proposed for their consideration. He repeated that the people of this country desired not this state of things; they had the example of other nations showing to what evils the loose practices they had adopted led them, and he would ask, why not stop the granting of those *privilegia* here? They had gone on giving those *privilegia* so long, that now they felt they could not refuse to consent to the extension of the indulgence, and therefore were prepared to grant it to anybody. He prayed them not to endanger, by such a measure, the morals of the people of England. They might depend upon it that, if they admitted these changes, the evil would recoil upon our heads, and then the determination of these nice and delicate questions would be left to tribunals utterly unfitted for the task; they might depend upon it, that that which was permitted to the rich by reason of their being able to incur great expense, would be claimed as a matter of right by the poor. If they made a law that a person who could afford to bring a bevy of witnesses from Cornwall or Cumberland to prove adultery was to have the right to marry again, it would not be possible for them to stop there; they must extend that right to every local class of society, and this would infallibly lead to the admission of the greatest licence. It was this that threatened the happiness of married life in England. Where, he would ask, were the hundreds of petitions asking for this liberty? where the husbands, where the wives desiring relief from bondage? If their Lordships appealed to England, in its homes, and amidst its shrines of domestic happiness, upon this point, the people would respond with one accord, and say with one voice, "Do nothing of the kind, do nothing that will endanger that sacred fence which hitherto has protected family charity and family chastity." He prayed their Lordships to pause. Let them not make particular laws to meet particular cases. Let them not give this fatal boon to the people of this country. Let them be as their fathers were before them, the maintainers of the law, the maintainers of God's truth, the ministers of the people's sanctity. He moved that this clause be omitted from the Bill.

THE BISHOP OF BANGOR thought the interpretation placed upon the words of our Lord by his right reverend Brother was non-natural, and not in accordance with the mind of our Saviour. The passages which he has cited from the Sermon on the Mount and from Matt. xix., in order to prove that marriages are indissoluble by the law of God, even in cases of adultery, relate exclusively to those divorces which were allowed by the Law of Moses, and neither have nor could have any reference to divorces by reason of adultery. He had been still more surprised to hear the reference made by another right reverend Brother to an alleged counsel of St. Paul to a husband to take back his adulterous wife. We must recollect that the whole of his advice in this chapter was given in answer to questions that had been put to him in reference to scruples which appear to have disturbed the minds of the converts, who were for the most part either heathens, or those ϵὐσϵβϵῖς, who had adopted from the Jews the doctrines of the Unity and Personality of the Godhead, and of a future state of rewards and punishments. Throughout the whole of the 7th chapter the Apostle is not pressing on them any specific duty or rule of action, but giving them such prudential advice as was suited to their present circumstances. But I will affirm, without doubt or hesitation, that the passage quoted by my right reverend Friend from the 7th chapter of the First Epistle to the Corinthians has no more to do with the case of an adulterous wife than with the millennium or the construction of the tabernacle in the wilderness.

LORD CAMPBELL had heard with surprise the rev. Prelate (the Bishop of Oxford) state that if they allowed persons divorced to marry again they would change the law of England. That he must designate as a quibble and a notorious quibble. It would be to change the law of England if they dissolved marriages, and did not let the parties marry again. Indeed, to put away a man's wife necessarily implied the liberty to take another; and but for that liberty many great and illustrious families, which were in a flourishing condition, would have ceased to exist. It seemed to him a monstrous proposition to say that the injured person should be made to suffer for the misconduct of his wife.

LORD WENSLEYDALE said, he had heard the speech of his noble and learned Friend with great surprise. There was not a lawyer in the House, or in the whole profession, who would assert that by the regular common law of England marriage was dissoluble. An attempt was made, indeed, to change the law at the time of the *Reformatio Legum*, but it never was carried into effect, although a system of granting private Acts had prevailed since the reign of William III. That marriage was by the law of the land indissoluble was manifest from the fact that no court which administered the law could dissolve a marriage once validly made. He (Lord Wensleydale) thought the right rev. Prelate had just cause for complaint in the sweeping assertion which had been made by his noble and learned Friend.

THE LORD CHANCELLOR said, that of course his noble and learned Friend did not mean to say that marriage was dissoluble by any law which was administered by the courts; but everybody knew that the practice had prevailed for nearly two centuries of granting divorces by Acts of the Legislature. It was a mere verbal dispute whether it was by the law, or by a system of *privilegia*, that divorces had been obtained during the last 150 years. There could be no doubt that a divorce was at present granted by their Lordships, under certain circumstances, as a matter of right, and any person who was prepared to incur the necessary expense had no difficulty in establishing that right. He would go farther, and say, that it would not be possible for their Lordships to depart in that case from the established usage, and to interrupt the course of the judicial proceedings which ended in substantiating the right to the divorce. With respect to the Amendment of the right rev. Prelate, he should observe that he did not see how any person who had voted for the second reading of the Bill could support that Amendment, as it would defeat the main purport of the measure.

THE EARL OF DERBY said, he did not wish to continue the discussion, but begged to call their Lordships' attention to a point on which he thought the clause had been misapprehended by the noble and learned Lord (Lord Campbell). He had spoken as if this clause were opposed not only to the law but to the custom and practice of England. He had contended all along for giving the injured party a remedy; but this clause did not confine the remedy to the injured party, but extended it to the guilty party as well. There were three propositions before the House. The first proposition was that of the Government, which was, that upon the dissolution of a marriage, the respective parties should be permitted to marry again. The second was that of the right rev. Prelate (the Bishop of Oxford) who denied that either party was at liberty to marry again; and the third, that of the most rev. Prelate (the Archbishop of Canterbury), took the course recommended by the learned Lord Chief Justice, who would permit the injured party to marry again, but would withhold the right from the guilty party. Now he (the Earl of Derby) would suggest to the most rev. Prelate to move his Amendment upon the clause, instead of letting the clause pass, and then adding a proviso or introducing a subsequent clause.

Amendment *withdrawn.*

THE ARCHBISHOP OF CANTERBURY: My Lords, I readily accede to the recommendation of the noble Earl in rising to propose the Amendment of which I have given notice, and without which I think that the present Bill is not likely to promote the object which your Lordships have at heart—the social welfare and the morality of the country. My Lords, I did not hesitate to support the main object of the Bill. I think that the injured wife or husband—injured in the tenderest point by the unfaithfulness of their partner—ought not to be denied the relief which the Bill affords, guarded as it is by the provisions and precautions which prevent collusion. But Clause 43, which permits the guilty parties to re-marry, appears to me to be full of danger. I can neither reconcile it to reason nor to the Divine command, which is our only safe and proper guide. My Lords, I think that we could hardly furnish a man who desired to possess his neighbour's wife with a more persuasive argument than this clause supplies. I think that we could scarcely place a woman, dissatisfied with her present lot, in a state of greater temptation, than by consenting to this clause. The present marriage, we assume, is unhappy. There is a way by which it might be set aside, and a happy marriage ensue. Could any stronger inducement be offered to an incipient passion than the prospect that in the end it might be legitimately indulged? My Lords, I trust that your Lordships will support the Amendment, which will prevent this blot from disfiguring your legislation.

Moved, to leave out ("respective parties thereto") and insert ("party on whose petition the marriage shall have been dissolved").

THE LORD CHANCELLOR opposed the Amendment of the most rev. Prelate as being inimical to morality. It might be a question, whether their Lordships would allow the guilty paramours to marry; but surely they were not going to enact that, having dissolved an existing marriage, they would say to one of the parties, "You shall not marry again." Suppose a marriage dissolved at the instance of a wife; would they say to the husband, "You shall not marry again; you must live with a mistress for the remainder of your life"? He (the Lord Chancellor) could not conceive a greater scandal to society than would result from such a state of things. He thought it would be alike cruel and unscriptural to impose such a restriction, and he must therefore oppose the Amendment.

Earl GREY said, he could understand the difficulties in the way of condemning a person to celibacy; but, on the other hand, if there was to be no security against collusion in cases of this kind, he thought the House would be entering on a most dangerous course. At present, as the law stood, the great expense attending a private Bill for a divorce, though it practically had the effect of confining the remedy of divorce to the higher classes, operated also, it must be admitted, as a great check against collusion. One of the main objects of this Bill was, to make the remedy of divorce cheaper to the humbler orders; but, if their Lordships did that without any check or guard whatever against abuse, his conviction was, that in the course of a few years they would have the lamentable practice growing up of adultery being committed for the purpose of obtaining a divorce. His belief was, that if they were to adopt the course of dissolving marriage for adultery, it was absolutely necessary that they should have recourse to some system as stringent as the one now in force in their Lordships' House, which had been not to give relief unless there had been previously damages obtained in an action of criminal conversation—the effect of that rule being, that the damages awarded operated as a great security against collusion. No man could be more opposed than he was to the action for criminal conversation, which was so degrading in its character; but they should in some other way provide a substantial punishment for collusion in the shape—not of a money fine—but of imprisonment, and perhaps the proper course would be to provide that no proceeding for the dissolution of a marriage should be instituted, unless there had been a prior criminal proceeding against the guilty party, and that party had been subjected to substantial punishment.

Lord CAMPBELL said, he was impatient to see the action for criminal conversation abolished; but he should not like to see it abolished without some substitute, for otherwise that would be a state of things which would operate as an encouragement to adultery.

On Question, whether the words proposed to be left out stand part of the clause? Their Lordships *divided*:—Contents 47; Not-Contents 53: Majority 6.

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Torrington, V.

Kilmore, &c., Bp.
London, Bp.

Belper, L.
Brodrick, L. (*V. Midleton.*)
Byron, L.
Camoys, L.
Campbell, L.
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Foley, L. [*Teller.*]
Hunsdon, L. (*V. Falkland.*)
Lyndhurst, L.
Manners, L.
Panmure, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Saye and Sele, L.
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
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Derby, E.
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Grey, E.
Hardwicke, E.
Mayo, E.
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Dungannon, V.
Eversley, V.
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Bangor, Bp.
Bath and Wells, Bp.
Carlisle, Bp.
Chichester, Bp.
Durham, Bp.
Hereford, Bp.
Lichfield, Bp.
Llandaff, Bp.
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Winchester, Bp.

Berners, L.
Bolton, L.
Calthorpe, L.
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Colville of Culross, L.

Downes, L.
Ker, L. (*M. Lothian.*)
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Oriel, L. (*V. Massereene.*)
Petre, L.
Raglan, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Stafford, L.
Vaux of Harrowden, L.
Wensleydale, L.

On the Question, "That the clause, as amended, stand part of the Bill?"

THE BISHOP OF OXFORD said, though the clause was greatly improved by the most rev. Prelate's Amendment, he still considered it very objectionable, and should therefore move its omission.

Amendment *withdrawn*. Clause *agreed to*.

Clause 44 (Dissolution of Marriage to precede Action for Criminal Conversation.)

LORD CAMPBELL said, thinking that the discussion could not at that hour be continued advantageously, he should move that the House do now resume.

THE LORD CHANCELLOR opposed the Motion.

LORD LYNDHURST said, before the House went into Committee he had stated his desire to put an end to the action for criminal conversation. For the purpose of effecting that object, he would now propose that so much of the 44th Clause as began with the word "unless," down to the end, be excluded.

EARL GREY observed, that the House had been engaged seven hours and a half in discussing the Bill, and he did not think it would be consistent with propriety and with the dignity of the House to proceed any further.

EARL GRANVILLE thought, that as the noble and learned Lord (Lord Lyndhurst) had borne the fatigue of sitting there so long to state his views, the House ought to have the patience to hear him.

LORD LYNDHURST said, he had previously explained his object. What he now proposed was, to strike out the word "unless," and the remaining words of the clause down to the end. The clause would then stand in substance thus:—"That no action for criminal conversation shall hereafter be brought." The Bill as it stood made the law in reference to that subject worse than it was at present. Providing as it did that no action for criminal conversation should be brought till a divorce had been obtained, it would prevent a Roman Catholic, who could not sue for a divorce, from bringing an action. One object of the Bill was, he understood, to render the administration of justice as cheap as possible, and the clause as it stood would tend to prevent a man of moderate means from instituting proceedings. As to the substitute, his noble and learned Friend opposite (Lord Campbell) might hereafter propose to make the offence committed a misdemeanour, punishable by fine, or by imprisonment, or by both. It was not necessary to settle that question then.

LORD WENSLEYDALE said, that this was a most important question, on which he had much to say. He should support the Motion that the House do now resume.

THE MARQUESS OF CLANRICARDE said, that the House ought not to resume till the noble and learned Lord's (Lord Lyndhurst's) statement had been answered. He had raised a very grave question, and the House ought not to resume without some answer. The great objection to these actions for damages had hitherto been the form in which these actions had been brought. It was a subject which demanded much consideration, as to whether they should abolish a pecuniary remedy for what was very often a pecuniary damage. He wanted to know the views of the Government on this subject.

LORD CAMPBELL again urged the adjournment of the House. Even in the House of Commons it was not the custom to sit so many hours in Committee even upon important subjects. He urged the adjournment as a sincere friend to the Bill.

After a few words from Earl GRANVILLE,

House resumed; and to be again in Committee on *Thursday* next.

House adjourned at One o'clock, A.M., to *Thursday* next, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, May 25, 1857.

MINUTES.] PUBLIC BILLS.—1° Registration of Voters; Princess Royal's Annuity.
2° Cinque Ports Act Amendment.

ADJOURNMENT OF THE HOUSE.

COMMITTEES TO SIT NOTWITHSTANDING.

On Motion of Sir GEORGE GREY, resolved that the House at its rising do adjourn till *Thursday*.

MR. FITZROY said he would move,

that all Committees should have leave to sit, notwithstanding the adjournment of the House. The pressure of public business rendered it very desirable that the sittings of all the Committees should not be suspended for two days.

COLONEL FRENCH said, that several Committees had already adjourned.

SIR JAMES GRAHAM said, that the Committee over which he presided had, with the full consent of counsel, decided not to meet to-morrow, but, with the permission of the House, to sit on Wednesday.

SIR GEORGE GREY said, that the Motion was intended only to give permission for the meeting of such Committees as chose to sit during the adjournment of the House.

MR. FITZROY said, he wished to explain that his Motion was in the usual terms, and would leave it to the decision of the several Committees whether or not they should sit.

Motion *agreed to.*

Ordered, That all Committees have leave to sit, notwithstanding the adjournment of the House.

THE INNS OF COURT—LEGAL EDUCATION—QUESTION.

MR. WARREN asked the Attorney General, whether Her Majesty's Government have any intention during the present Session, to introduce a measure founded on the Report of the Commission issued to inquire into the subject of Legal Education.

THE ATTORNEY GENERAL said, that two years ago a Royal Commission was issued to inquire into the state of the Inns of Court, especially with reference to the facilities for legal study, the revenues appropriate for the purpose, and the means likely to secure a systematic education for students in the law. The Commissioners made a Report, recommending a course which they thought would tend to effect that object. Her Majesty's Government had expected that the Inns of Court would have voluntarily adopted the measures thus recommended by the Commission for securing the great object of providing for the effectual education of students for the bar. To provide such an education was one of the trusts imposed upon those societies, and they had large revenues at their disposal to discharge that trust. He was sorry, however, to say, that there was a division between the different Inns of Court upon the subject. The Inner and Middle Temple were desirous of carrying out the plan proposed by the Commissioners, but Lincoln's Inn and Gray's Inn were opposed to such a course, a resolution to that effect having been passed by a majority of one vote. If that state of things should continue, it would be the duty of Government to introduce a Bill upon the subject; but the subject having been under the consideration of the societies, and the Government believing that they were actuated by good intentions, it was not intended to bring any measure in this Session.

SURGEONS IN THE MILITIA.
QUESTION.

COLONEL GREVILLE asked the Under-Secretary for War, whether it is the intention of the Government to issue pay to the surgeons of militia regiments who have been called upon by the War Department to reside at the head quarters of the permanent staff, for the purpose of taking medical charge of the officers, non-commissioned officers, and their families; and, if so, at what rate.

SIR JOHN RAMSDEN said, it was the intention of the Government to issue pay to the surgeons of the militia regiments when they were residing at head-quarters. The rate at which it would be issued, would be that which was fixed by the militia regulations of 1854.

CUSTOMS DUTIES—QUESTION.

MR. W. EWART: It appearing from a Return made to this House on the 20th day of January last that there are, in the table of Customs Duties, sixty articles producing to the revenue not more than £200 yearly, each; fifty-three articles producing not more than £100; thirty-six producing not more than £20; and thirteen producing only £5 or less than £5, yearly, each, asked the Chancellor of the Exchequer, whether it is the intention of the Government to consider the expediency of abolishing any of these duties, in the interests of commerce, and for further simplifying the tariff of Customs Duties?

THE CHANCELLOR OF THE EXCHEQUER said, the subject was under consideration, and there would be no objection to abolish the greater portion of the table of duties to which the hon. Gentleman had referred. But at the same time he would remind the hon. Gentleman that the list would require careful revision, because there were some of the articles to which reference had been made, included in the tariff on special grounds. Paper, malt, and hops, being subject to an Excise duty, it would, therefore, be necessary to impose a countervailing Customs duty on beer, paper, and pasteboard, all of which were included in the duties to which the hon. Member referred.

LABOURERS IN BRITISH GUIANA.

QUESTION.

MR. CHEETHAM asked the Secretary of State for the Colonies, if he had received any communication from British Guiana, complaining of the difficulties which at present exists in obtaining an adequate supply of immigrant labourers for that colony, and whether it is the intention of Her Majesty's Government to take any steps in reference to the same.

MR. LABOUCHERE said, the Colonial Office had been for several years past in constant communication with the colony on the subject. During the last nine years no less than 30,000 had emigrated to the tropical colonies of this country. The Government were most anxious to promote by every means in their power, the emigration of labourers to those colonies; subject to their being treated when there as freemen, and to the engagements with them being strictly fulfilled, the Government would promote the sending of labourers in every possible way. On a future occasion he would lay such papers on the table as should inform the hon. Gentleman and the House of the facts in regard to the question.

LEGISLATION FOR IRELAND—QUESTION.

SIR JOHN PAKINGTON asked the Attorney General, whether it is the intention of Her Majesty's Government to introduce in the present Session Bills for Ireland, relating to Probates and Administrations, and to Divorce and Matrimonial Causes, similar in principle to the Bills for England now before the House of Lords. Also, whether it is intended that the Bill relating to Clergy Discipline, which the Lord Chancellor stated, shortly before the dissolution of Parliament, was then in preparation, should be introduced this Session, and whether it will include the Church in Ireland.

The Chancellor of the Exchequer

THE ATTORNEY GENERAL in reply, said, the Government never intended to introduce those Bills with regard to England only. There were, however, some technical difficulties which rendered it inexpedient to include Ireland in the Bills which had been introduced. When, however, the Bill relating to Divorce and the Probate of Wills came down to that House, his right hon. and learned Friend the Attorney General for Ireland would move for leave to introduce Bills extending their principle to Ireland, and also for the establishment of a General Ecclesiastical Registry in that country. With regard to the subject of Church Discipline, a Bill had some time back been prepared and submitted to the Bishops for their approval. Those right rev. personages had returned the Bill to the Lord Chancellor; but some doubt existed as to whether it could be introduced during the present Session; however, if it were introduced, he could assure the right hon. Gentleman that a Bill applicable to Ireland would also be introduced.

STOPPAGES FOR FORAGE—QUESTION.

MR. NOEL asked the Under Secretary for War, what is the total annual amount of the stoppages which are deducted from the pay of cavalry officers for forage for their chargers, and whether the Government will take the matter into their consideration, with the view of doing away with those stoppages?

SIR JOHN RAMSDEN said, he could not state the exact amount of those stoppages. Cavalry officers had been subjected to them for a very long period, and a reduction in their amount must, of course, be regarded as an addition to their pay. The Government had had the subject under their serious consideration, but they were not prepared at the present moment to recommend that a reduction should be made.

THE SOUND DUES—COMMITTEE ORDERED.

THE CHANCELLOR OF THE EXCHEQUER moved, that the passage in the Lords Commissioners' Speech relative to the treaty with the King of Denmark respecting the Sound Dues be read.

Paragraph in the Lords Commissioners' Speech at the opening of the Session read, as follows:—

"We are commanded to inform you, that Her

Majesty, in conjunction with several other European Powers, has concluded a Treaty with the King of Denmark for the redemption of the Sound Dues. This Treaty, together with a separate Convention between Her Majesty and the King of Denmark, completing the arrangement, will be laid before you, and Her Majesty will cause the measures necessary for fulfilling the engagements thereby contracted to be submitted for your consideration."

The CHANCELLOR of the EXCHEQUER: I beg to move, that the House take this passage into consideration on Friday the 5th of June.

Committee to consider the redemption of the Sound Dues on *Friday*, 5th June.

DOWRY OF THE PRINCESS ROYAL.

REPORT. LEAVE. FIRST READING.

Mr. FITZROY brought up the Report of the Resolution on Queen's Message [18 May].

"That the annual sum of eight thousand pounds be granted to Her Majesty, out of the Consolidated Fund of Great Britain and Ireland, the said annuity to be settled on Her Royal Highness The Princess Royal, for her life, in such manner as Her Majesty shall think proper, and to commence from the date of the Marriage of Her Royal Highness with His Royal Highness Prince Frederic William of Prussia."

Resolution read 2°.

Mr. CONINGHAM rose, for the purpose of proposing an Amendment to the Resolution which had been adopted apparently unanimously on Friday. He regretted very much that the House had not been afforded an opportunity of dividing upon the question on that occasion, as he felt assured that the public out of doors would have been undeceived with respect to the general concurrence with which the Resolution would seem to have been adopted. He was of opinion that if a division had taken place a very large minority would have been found to be opposed to the proposal of the Chancellor of the Exchequer. For his own part, he objected to the proposal on principle; he objected to its amount, and viewed it with disfavour as a precedent. The reasons which he had on the former occasion urged against the annuity still continued to have weight with him; but he should abstain from repeating them, and should content himself with moving an Amendment to the effect that the amount of the proposed annuity be reduced from £8,000 to £6,000. He could not, however, pass over a very remarkable omission which had occurred in the speech of the Chancellor of the Exchequer on Friday night—he alluded to the circumstance of his having abstained from all reference to the revenues which the Sovereign derived from the Duchy of Lancaster. That omission had indeed to some extent been supplied by what had fallen from the hon. and learned Member for Sheffield (Mr. Roebuck)—but only to some extent, inasmuch as the £20,000 a year which had of late been paid into Her Majesty's privy purse, from the source to which he referred, had at one time been reduced to a much smaller amount in consequence of the gross mismanagement which, in dealing with the property of the Duchy, had for a long period prevailed. The subject was one which he should feel it to be his duty to submit before long to the notice of the House. Meanwhile he begged leave to move that £6,000 be substituted for the £8,000 mentioned in the Resolution, and upon that point he should call for a division.

Mr. COX seconded the Amendment.

Amendment proposed, to leave out the word "eight," in order to insert the word "six," instead thereof.

Viscount PALMERSTON: I cannot help expressing my great regret that the hon. Gentleman has thought fit to raise a discussion on this provision. I had hoped that after what the hon. Gentleman himself has admitted to be the general concurrence of the House with respect to the Resolution before us, even those among us who might entertain individual objections to the amount of the Vote, or the relative amount of the votes which are to constitute the marriage portion of the Princess Royal, would be content to merge their objections in the almost unanimous wish of the House. I must again say, that in asking that a suitable provision should be made for her whom the hon. and learned Member for Sheffield has very properly described as "the eldest daughter of England" upon the occasion of her going forth to hold a great and important position in a foreign kingdom—I did hope that we should not have been called upon to discuss the difference between £8,000 and £6,000, particularly when we reflect that either sum must be regarded as utterly insignificant when compared with the resources of the country, but which are of value as indicating the attachment of this House to the Sovereign and the dynasty under which it is our happiness to live. I shall, at all events, follow the example in one respect of the hon. Gentleman who has proposed this Amendment in not making any lengthened observations, but shall content myself with earnestly entreating the House to abide by the Resolution.

Colonel FRENCH said, he regretted that the noble Lord had thought fit to address the House, which he felt confident would vindicate by its Vote the decision at which it had arrived on Friday.

Mr. GILPIN said, that had Mr. Roebuck—["Order!"]—he begged to apologize for calling the hon. and learned Gentleman by his right name; but had the hon. and learned Member for Sheffield thought fit to divide the House on a former occasion, he (Mr. Gilpin) should have voted with him. He did not think, however, that it was wise for his hon. Friend the Member for Brighton to reopen the question. He would yield to no one in a desire to do what was right to all parties—towards Her Majesty as well as towards his constituents — and was not prepared to divide against the Vote to which the House had come on a former occasion.

Question put, "That the word 'eight' stand part of the Resolution."

The House *divided*:—Ayes 328; Noes 14: Majority 314.

List of the Noes.

Blackburn, P.
Blake, J.
Bowyer, G.
Corbally, M. E.
Dalgleish, R.
Jones, D.
MacEvoy, E.
Maguire, J. F.
O'Donoghoe, The
Pease, H.
Stirling, W.
Taylor, S. W.
Trelawny, Sir J. S.
Williams, W.

TELLERS.
Coningham, W.
Cox, W.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. FitzRoy, the Chancellor of the Exchequer, and Viscount Palmerston.

Bill read 1°.

SUPPLY—REPORT.

Resolutions *reported.*

(1.) "That the sum of £40,000 be granted to Her Majesty for the marriage portion of Her Royal Highness the Princess Royal, read 2°.

Mr. MAGUIRE said, he did not know whether he was in time to express an opinion and propose an Amendment to this Resolution; but he thought that himself and many other hon. Gentlemen were rather badly treated by the hon. and learned Member for Sheffield (Mr. Roebuck) on Friday night. By the decision at which the House had just arrived they had made, he considered, ample provision for the eminent personage with whom they were now dealing. He should not be acting as what he professed to be—a fair representative of the people—if he objected to give an amply sufficient dowry to the young Princess the eldest born of our Sovereign; but he should not be what he professed to be, a just representative of the people, if he did not express his opinion that an annuity of £8,000 was amply sufficient. Therefore he thought that the sum of £40,000 included in this Vote was unnecessary liberality on the part of the representatives of a nation which comprised many millions of poor and needy persons. He knew that many hon. Gentlemen might differ from him and accuse him of presumption for venturing to express his opinion upon the subject; but the feeling which he entertained on this subject on Friday night he entertained most strongly at the present moment, namely, that he was greatly disappointed by the conduct of the hon. and learned Member for Sheffield — and on the part of some hon. Members he begged to say that they were equally disappointed. That hon. and learned Gentleman by assuming the position which he had on Friday night prevented hon. Gentlemen from putting the sentiments expressed by him into a practical form. The hon. and learned Gentleman came forward even before the Motion was proposed, and made a solemn appeal to the representatives of the people. He (Mr. Maguire) was greatly struck by the justice of the hon. and learned Gentleman's observations, and he believed that many hon. Gentlemen would have gone into the lobby with him if he had laid his proposition in a practical form before the House. The hon. and learned Gentleman had no right to express his opinion in the manner he had, unless he had intended to test the feeling of the House upon it. He addressed the House upon two separate occasions in support of his view, and it was his duty to have pressed the House to a division. The hon. Gentleman concluded by moving that the Vote of £40,000 be negatived.

Mr. SPEAKER said, that the proper course would be to move the Amendment on the Question that the House do agree with the Resolutions of the Committee, and those who concurred in the opinion of the hon. Gentleman could vote in the negative of that Question.

Mr. CONINGHAM also thought that

the annuity of £8,000 just granted was an amply sufficient provision for the Princess Royal. He came into that House pledged to support reform and retrenchment, and by supporting the large grant now proposed he should be violating in the most direct manner one of those pledges. Unpopular, therefore, as it might be, he thought it was his duty to oppose the Vote.

Sir HENRY WILLOUGHBY said, he should be justified in assenting to the Vote by two precedents which occurred in the reigns of George II. and George III. In the reign of George II. a marriage portion of £80,000 and an annuity of £5,000 were granted on the marriage of the Princess Royal, and he believed that the same sums were given in the reign of George III. on the marriage of the Princess Royal with the Prince of Wirtemberg. As Her Majesty's Government had chosen to diminish the marriage portion and increase the annuity, and the two amounted to about the same sum as was granted on the two occasions of which he had spoken, he did not think that he had any right to object. He thought that the eldest daughter of Queen Victoria was entitled to at least as much liberality as was displayed towards the daughters of George II. and George III.

Lord ROBERT CECIL: As some hon. Gentlemen were pursuing the vexatious course of dividing the House on a question on which they were almost unanimous, I beg to ask you, Mr. Speaker, whether it is not possible to revert to the ancient rule of directing one party to go forth into the lobby? If the "Noes" are ordered to "go forth" it will probably save us the trouble of a division.

Sir JOHN TRELAWNY wished to know whether the noble Lord meant that the opposition to this Vote was "vexatious" to the people of England. For his own part, he should regret extremely if occasion were taken to divide against the Vote. He should have much preferred that the division had taken place on Friday last. He came down to the House to support any reasonable proposition of the hon. and learned Member for Sheffield, but as that hon. and learned Gentleman declined to test the House, he (Sir J. Trelawny) now found himself in a most difficult situation; because, while on the one hand his conscience told him that he should act rightly by voting with the minority, he felt, on the other hand, most anxious to vote with the majority. He did not know what course to take. He did not think that the Chancellor of the Exchequer ought to have asked them as reasonable men to be guided by precedents 100 years old—on such a question they ought to be guided by common sense. He would be the last person to express anything but admiration for Her Majesty, and his earnest wish was that every happiness might attend the Princess Royal; but the Chancellor of the Exchequer had omitted an important matter which ought to have been taken into account, and which was this—that in case of the death of the Prince of Wales the revenues of the Duchy of Cornwall would belong to Her Majesty for life, although that was contrary to constitutional policy. Those who read Mr. Burke's *Treatise on Economical Reform* would find that the revenues of the Duchies of Cornwall and Lancaster ought to be applied to the public use. Mr. Burke used to be a great authority with the hon. Gentlemen on the Opposition benches, and at one time they were not so anxious as now to vote sums of money for the maintenance of the Royal Family.

Viscount PALMERSTON thought the hon. Gentleman was wrong in his statement that if the country were deprived of the Prince of Wales the revenues of the Duchy of Cornwall reverted to the Crown. The fact was, he believed, that it went to the next heir to the Throne. He should not argue the general question, but hoped the House would abide by the decision at which it already seemed to have arrived.

Sir JOHN TRELAWNY, in explanation, repeated that in case of the death of the eldest son of the Sovereign, the Duchy of Cornwall went to the Crown during the Crown's life. This was both fact and law.

Mr. SPEAKER, in reply to the question put by the noble Lord (Lord R. Cecil), said, that in 1836, in consequence of its being thought advisable that the names of Members who voted in divisions should be recorded, a Standing Order was adopted by the House that both the "Ayes" and the "Noes" should go forth into the lobbies. It was therefore necessary that the division should be taken in the usual way.

Motion made, and Question put, "That this House doth agree with the Committee in the said Resolution."

The House *divided*:—Ayes 361; Noes 18: Majority 343.

Resolution *agreed to;* subsequent Resolutions *agreed to.*

SUPPLY—ARMY ESTIMATES.

Order for Committee read.

Motion made, "That Mr. Speaker do now leave the Chair."

MR. W. WILLIAMS said, he presumed the object for the Motion of the Speaker leaving the Chair was that the House might go into Committee of Supply on the Army Estimates. He had given notice of a Motion to refer those Estimates to a Select Committee. He and many other Members of that House had very recently pledged themselves to their constituents to support economy and retrenchment, and they now found that they had laid before them Army Estimates more extravagant than any others from the termination of the French war to the commencement of the Russian war; and he thought it was high time therefore that some means should be adopted by that House for putting a check upon the continually increasing expenditure of the War Department. If the House of Commons had one duty more important than another it was to see that there was a proper application of the taxes raised from the masses of the people, and that duty he now called upon hon. Members to discharge. He had looked over the Estimates with very great care; but they were quite unintelligible to him. They were made up in a different form from any preceding Estimates he had had an opportunity of seeing, and though he considered he had some little knowledge of Parliamentary accounts and figures, he was unable to make anything of them by comparing them with the Estimates of former years. What, then, must be the case with regard to new Members? Yet by such a comparison alone Members would be able to come to a satisfactory conclusion as to their moderation or extravagance. A large portion of the present House consisted of new Members, who would be totally in the dark when these Estimates were considered. The last Parliament voted a very large portion of the Estimates, and the present House of Commons had no information from these Estimates, how much had been voted and how much remained to be voted. He should like to know upon what grounds the Government were thus meeting the new Parliament. The First Lord of the Admiralty, in a business-like manner, stated the gross amount of the Navy Estimates, with the amount voted in the last Parliament; but no such information was conveyed with regard to the Army Estimates. If the Government were conscious that they had proposed the Estimates in accordance with the just requirements of the expenditure of the army, they could have no objection to refer them to a Select Committee fairly chosen. He (Mr. Williams) was sure that such a Committee would point out means whereby they might effect a very large reduction. In France, the Estimates were laid before the Chamber of Deputies, and were then referred to a Committee. Very lately the Committee reported that the Estimates were extravagant, and that the amount proposed was not necessary for the public service—and what was more extraordinary still, that decision was reported in the public newspapers in France. Now, when he stated to the House the amount required by the present and former Governments, he was sure that hon. Members would be very much astonished. He held in his hand a return presented to that House in reference to the sums voted for the Army, Navy, and Ordnance from 1822 to the commencement of the Russian war, and he found that not in one single case was there to be found anything like approaching the sum required this year, indeed not within millions sterling. He would give two or three instances, and he would select periods of a very remarkable character. First of all he would take 1835—and on this he might say that the years preceding and following, namely, 1834 and 1836, were within a mere trifle of the same amount—but he selected, 1835 because the Estimates of that year were submitted to the House by the Government of Sir Robert Peel and the Duke of Wellington, and afterwards adopted by the Government of Lord Melbourne, when he succeeded to power. The amount required in that year for the Army, Ordnance, and Navy Estimates was £7,560,000 less than those of this year. Then he would take the year 1852–3, the year before the commencement of the preparations for the Russian war. The Army Estimates which were submitted by Lord Aberdeen's Government, and adopted by Lord Derby's Government, amounted to £9,020,000. This year they amounted to £11,247,000. The difference between the number of men in 1852-3 and the present year was but 7,227. Now, adding those 7,227 to the number required in 1852–3, and allowing for their pay and maintenance £227,000, the Estimates of this year for the same number of men as in 1852–3 would show an increase of £2,000,000 sterling. He would ask the House upon what grounds they could vote the cost of an army of precisely the same force as in 1852-3, at an additional expense of £2,000,000 sterling? He had looked over the Estimates very carefully, and he confessed he could see no reason whatever for this additional change. There were increased amounts in regard to some items, and great extravagance in regard to others, but he could see no way of accounting for the £2,000,000. The amount required for the Army this year showed an increase over the amount required in 1835 of £3,687,000. In the last year of the unreformed Parliament, the Duke of Wellington was Prime Minister, and the whole amount he required for the Army, Navy, and Ordnance, was £13,294,000, being less by £5,856,000 than was required by the Government this year. In 1835 Sir Robert Peel's Estimate for these three services amounted to £11,657,000, less by £7,500,000, or a sum equal to the whole produce of the income tax at 7*d.* in the pound, than the sum required to be voted by the Government this year. In 1852-3, the amount required for the three services was £14,755,00, being less by £4,400,000 than the amount required this year, which was £19,150,000. It would, no doubt, be said that it was impossible to reduce the army all at once; but he did not see that there was any intention of reducing the army, for he found that there was a provision in the Estimates for £42,000 for the purposes of recruiting in ten different districts of the country. He would not trouble the House with a large number of items; but he would refer to two new establishments at Aldershot and Shorncliffe. The establishment at Shorncliffe cost £4,501. There were four generals appointed there, but what they did he was at a loss to conceive. He was recently in that neighbourhood, and ascertained that the number of troops there was between 2,200 and 2,500, and yet there were four general officers stationed there. Then there was the new establishment at Aldershot, costing £8,481, and five general officers and two full colonels were stationed there in command. It might be said that our soldiers required to be brought together not only in regiments, but in divisions. Now, there were in that House some of the most distinguished military officers of the last war, and he should be very much surprised if any of those gallant officers would say that the British army had ever, when acting in masses, been found wanting in the performance of its duty. The charge for these two camps was but £14,000 or £15,000; but it was not so much to the expense he objected as to what he considered the commencement of an attempt to make us a military nation and to introduce into this country a military system like those which existed under the despotisms of the Continent. The navy was our proper defence, and he had never opposed any measures which were necessary to secure its efficiency. The way also in which the accounts were made up rendered it impossible to calculate the exact cost of different regiments in the service; but, as far as he could reckon, the cost of the Guards was nearly twice as much as that of regiments of the line. For his own part, he had never been able to understand the necessity of the proposed increase of expenditure on the army. It was said that if England should again be involved in war she ought to be better prepared than she was at the commencement of the last war. Now, he believed that if England in the course of a few years again went to war, she would be in precisely the same position as she was last war. Incompetent men would, on account of their connections, be appointed to command her forces, and after scenes similar to those which occurred in the late war the newspaper reporters would inform the public of what was going on; and then, when all was over, men of merit would come forward exactly as they were under the late exigencies. He would not detain the House further, but would move that the Estimates be referred to a Select Committee.

Sir JOHN TRELAWNY rose and said, that his only objection to seconding the Amendment was, that it would relieve the Government of the responsibility—

Mr. SPEAKER interrupted, saying that he had supposed the hon. Member to rise for the purpose of seconding the Amendment.

The Amendment, not being seconded, fell to the ground.

Sir HENRY WILLOUGHBY said, that before they went into Committee there were one or two questions he wished to ask of the hon. Gentleman, who now represented the War Department (Sir John Ramsden). He wished to know who was responsible for this great expenditure—whether or not it was the noble Lord at the head of the War Department, or who? He believed that in this case, as well as in many others, it devolved upon irresponsible deputies and secretaries. There was another point of considerable importance to which he wished to call attention—namely, that the heads of Votes had been very much reduced in number. The number of heads before the consolidation of the Departments was twenty-nine or thirty, now they only amounted to twenty. If they wanted to check accounts, the only way was to insist upon having full details under separate heads—if they were placed under a few general heads it was quite impossible to comprehend them. He called upon the House to watch, and to insist in Committee that those heads of Votes should be increased. He was sure the reduction of the number of heads of Votes was a fatal error.

Mr. SPOONER said, he wished to put a question or two to the hon. Baronet who represented the War Department in the House. In the last Parliament he moved for the production of certain Returns, tending to show the sort of labourers employed at the manufactory at Enfield, and the expense attending such employment. Parliament ordered the Returns to be made, but in consequence of the sudden dissolution, the matter was at an end. He was, therefore, again obliged to move for those Returns in the present Session, and he wished to know when they were likely to be placed upon the table. He should object to going into Votes 5 and 6, until that and other information were given in respect to them. It would be in the recollection of the House that, in last Session, when asked to vote for the large expenditure at Enfield, they were told, that by the introduction of large machinery at that place the Government would be enabled to employ a large number of unskilled labourers, and that consequently they would not require so many skilled workmen as they were before compelled to employ. Now, he wanted the production of the Returns to show that such had been the case. He was informed that the case was altogether different. He was also told that the Government had been sending agents into Birmingham for the purpose of inveigling the workmen from their employment in the large manufactories there by great promises of increased wages, and by money actually paid down. He had documents in his possession to prove that fact. He had also received intelligence that the Government had lent £20,000 to a contractor to enable him to fulfil his contract, which he otherwise would not have been able to do. There were two houses concerned in this contract, the one was English, the other American, and they had both failed. He wanted to know by what authority such money was given, and whether the money had been recovered. He was informed that it had not; that the securities were very doubtful ; and that if even they were realised a balance would still be due. If the Audit-office were worth anything, the accounts of 1856 should have been audited in March last. He wanted to know up to what time the War Department accounts were audited, and also upon what authority the Government had advanced that sum ?

Sir JOHN RAMSDEN said, in answer to the hon. Member for Evesham (Sir H. Willoughby), that the Secretary for War was responsible for all the expenditure proposed in the Army Estimates. The hon. Baronet had complained of the form in which the Estimates were drawn up, and he could only say, that the reason for the alteration of the form was, that they might be presented in a more simple shape, and at the same time afford every possible information to the House; and it was hoped that in their present form they would be found full and satisfactory. In answer to the hon. Member for North Warwickshire (Mr. Spooner) who seemed to think that some injustice had been done to the manufacturers of Birmingham by an attempt on the part of Government officials to draw away their workmen, he had to say, that there was not the slightest intention on the part of the Government that there should be any interference to the detriment of the manufacturers of Birmingham—on the contrary, the instructions which had been issued to the Government officials were to the effect that every possible information should be afforded to the trade in that town, with the view of promoting the improvement of the manufacture of arms. The only object of the Government was to get the best possible supply of arms, and they wished that every facility should be given to competition. He was ignorant of any loan of £20,000 granted to a contractor, and if the hon. Gentleman would afford the War Department information on the subject, every exertion should be made to clear the matter up and to show the real state of the case. As to the Returns asked for by the hon. Gentleman, they were in an advanced state of preparation at the end of the last Parliament; but when the authority under which they had been ordered lapsed, they were laid aside, but as they had been moved for again, the preparation of them had been renewed, and they would soon be laid on the table.

Sir FREDERICK SMITH bore testimony to the great advantage which the military establishment at Aldershot conferred upon the country, by affording to our troops an opportunity of going through field manœuvres in large bodies. He himself had been a witness to the beneficial results which it produced in the training of various militia regiments, which, after a few months spent there, were turned out in a highly efficient state. He trusted, therefore, the establishment would be always retained.

Colonel BOLDERO said, he thought the form in which the Estimates were this year laid before the House was a great improvement upon the old system; but he was nevertheless of opinion that a great subdivision of the several heads of expenditure might be made with advantage. The want of such subdivision led to much inconvenience, as was clearly shown by an instance which had occurred last Session. An hon. Gentleman had given notice of Motion with respect to the expenditure for barracks, and commenced his speech about ten o'clock at night. The discussion occupied nearly two hours, and just as the hon. Gentleman who had charge of the Estimates was about to reply, another hon. Gentleman started up and turned the whole current of the debate to a totally different subject—a course which he was perfectly justified in taking, inasmuch as the subject, although of a totally different nature from the question of barracks, came under the same head in the Estimates. The consequence was, that the hon. Gentleman, whose duty it was to explain the various items, was not enabled to commence his reply until a very late hour, and then took advantage of the diversion which had been made to leave the objections which had been urged with respect to barracks altogether unanswered. The same want of a proper subdivision of subjects existed upon the present occasion, as might be seen by a reference to item No. 12, in which Civil Buildings and Barracks were again placed under the same head.

Mr. MACARTNEY reminded the hon. Baronet that he had omitted to answer one of the questions put to him by his hon. Friend—namely, whether the accounts of the War Department for the year 1855-56, in pursuance of the provisions of the statute, had been passed through the Audit-office at the proper time?

Mr. STAFFORD said, that those questions showed the inconvenience of such explanations before they had gone into Committee.

Mr. WILSON said, that there was a concurrent audit of these accounts. There was one audit of the accounts from day to day, and the reports respecting them were subsequently made to the Audit-office. At the end of the year the gross accounts were sent to the Audit-office. There was no arrear in the auditing of the navy accounts; but in respect to the army accounts he confessed there was some slight delay of about two months, in consequence of the war and the heavy transactions of last year.

Sir WILLIAM CODRINGTON trusted that there would be no hesitation in keeping up such an assemblage of troops at Aldershot as would enable them to be practised together in brigades and divisions. This was of the utmost importance, for regiments not accustomed to be brigaded were a positive mob when brought together. Of course, if there were brigades and divisions, it would be necessary to have superior officers to command them. An hon. Member had spoken of the "fighting regiments" as distinguished from the Guards. His impression was, that he had seen those regiments; and it was not quite fair to soldiers who had fought like the Guards to institute an invidious comparison to their disadvantage between them and their brethren of the line. There was, no doubt, much merit in the arms supplied by the manufacturers of Birmingham, but he saw no reason why the Government should not be able themselves to make and supply a proportion of arms accurately made, without trusting altogether to contractors.

House in Committee; Mr. FitzRoy in the chair.

(1.) £2,921,017, Pay of Land Forces.

Viscount PALMERSTON: Sir, according to the usual course it would have been the duty of my hon. Friend the Under Secretary for the War Department (Sir John Ramsden) to move these Estimates; but, as my hon. Friend has but recently come into office, and has not been able to make himself master of the details of these Estimates, which he will clearly, and I doubt not satisfactorily, explain item by item as they are proposed, I thought it would be more satisfactory to the Committee that a Member of Her Majesty's Government should give those general explanations with regard to the principles that regulate the amount of force which we propose shall be maintained both during the present year and generally in time of peace; and therefore I trust that the Committee will not consider that I am guilty, in departing from the usual course upon this occasion, of an improper interference. I would state, in the first place, that these Estimates comprise Estimates which in former years, owing to the separation of the departments, formed the subject of separate and distinct Estimates. They now contain everything connected with the military departments of the State, namely, those expenses that were heretofore proposed under the management of the Secretary at War, those that were heretofore under the Ordnance branch, and those connected with the Commissariat, which were under the Treasury, and have heretofore formed the subject of a separate Vote. The House have therefore now the means of seeing at one view the whole of the military expenditure. I am sure that the hon. Member for Lambeth (Mr. Williams) did himself injustice when he said that, from the alteration in the mode of framing the Estimates, he was unable to make himself master of the details. I am unwilling to believe this modest statement on his part, and I am sure that these Estimates, which are in substance the same as those proposed before the dissolution of Parliament, though the form and headings of them have been somewhat changed, are not too much for the grasp of my hon. Friend. Sir, the first question that must naturally suggest itself to those who are charged with the duty of proposing the amount of the military establishments is, what, under the circumstances of the moment, is the establishment which, on the one hand, combines the greatest regard for economy, and, on the other, the greatest regard for the efficiency of the service and the defence of the country. Now, it is a well-known maxim that if you wish for peace you must be prepared for war—*si vis pacem para bellum.* In one sense, I differ from that maxim; in another, I think it is a sound axiom. If it is meant that this country should imitate the example of the great military monarchies of the Continent, and in time of peace maintain a military establishment adequate to the emergencies of actual war, I say that such a system would be ruinous to the country, and calculated to defeat the very object for which it professes to be framed. When we see a great country, like some of those on the Continent, maintaining in time of peace armies of 300,000 or 400,000 men, we cannot but think that an unnecessary deduction is made from the productive industry of the country by the abstraction of so many hands from useful labour; an unnecessary drain is also made upon the pecuniary resources of the country; and we also see that there is a defect that counteracts the very object in view, because the people of those countries are accustomed to rely entirely on large standing armies for the public service whenever an emergency shall occur, and they are therefore not imbued when it does occur with that enthusiastic public spirit which we have seen in this country rise equal to any emergency which the accidental circumstances of the moment may require. Therefore, I think that our system of military arrangements tends more to the development of the national spirit, while the system of large armies adopted on the Continent is rather calculated to exhaust the national resources, and to impede the progress of national industry. Therefore, Sir, I should be sorry to see any Government in this country imitate the example of Continental Governments in this respect. If, on the other hand, we were solely to consider what is necessary for the internal maintenance of order, a very small military establishment would be sufficient, because here we fortunately do not rely, as in some foreign countries, on the military system for the maintenance of public order. There are civil means of enforcing an obedience to the law which supersede in a great degree, if not entirely, under ordinary circumstances, the action of a military force. But we must consider the peculiar circumstances of this country. We have not only our own islands to defend, but we have possessions of great value, of great political and commercial importance, scattered over the most distant regions of the globe. We must therefore consider what is necessary for the protection of those possessions and of the country, not in case of actual war, because that might require exertions of a very different nature, but what is sufficient to protect us against attacks arising without much previous notice. Therefore the military establishments of the country must be calculated as to their efficiency as a means of defence against sudden aggression and as a sufficient force for the protection and preservation of our colonial possessions. Our position is one which—without meaning to imply any doubt as to the continuance of peace—requires special precautionary measures on our part. These considerations were well explained by my right hon. Friend the First Lord of the Admiralty in moving the Navy Estimates. We have close to us a great military and naval power—a power far superior to us in her great military establishments—a power which is nearly equal to us in the amount of her naval establishments. And we must recollect that modern improvements have in a great degree altered the conditions of both countries in respect to naval and military war. The improvements in projectiles, the great improvements in shipping, have altogether altered the relative position of countries so near to each other. In former times, when we were at war with France—long may it be before that happens again!—the means of assault were confined to the collection of a great number of sailing boats in the shallow ports of the Channel, of which notice could be easily given, and it was therefore easy for the Government to take precautions against any danger that might arise therefrom. But, as was stated by my right hon. Friend, there is now at Cherbourg the means for collecting a large naval force. The ships which we now build are of such magnitude that whereas formerly only a few hundred men could be transported by one ship now more than 1,000 or 1,200 can well be embarked in a single vessel. It is impossible now for this country to rely entirely for its defence upon its naval means. There must be within the territory of the country the means of effectually maintaining ourselves, even supposing our naval protection to be denuded or ineffectual. On the one hand, I think it is the duty of the Government (and if the Government neglected their duty it would then become the duty of Parliament) to take care that our military establishment is not numerically larger than is really required for the emergencies of the time; but, on the other hand, having, as we ought to have, a comparatively small military establishment, it ought to be so organized as to be capable of speedy and great enlargement, and to contain within it those elements of science which are becoming every year more necessary for military establishments. It should also be so organized that those who compose it should be practised in those military evolutions which they may have to perform upon taking the field either at home or abroad. Now, the great fault in our military arrangements hitherto has been, that they have ended with the regimental system. But I may observe that our regimental system is as perfect as that of any service in the world. Nothing could be superior to the British regiments. I remember hearing the Duke of Wellington say that the British soldiers, led by the gentry of their country, would do anything that was within the scope of human beings to accomplish. If we wanted any examples we should find them in the late war in the Crimea. Many of us have read that anecdote of the battle of Inkerman when our gallant soldiers, assailed by numbers which to many other men would be overwhelming, their ammunition being almost exhausted, and themselves in a condition in which any troops might with honour have retired, the cry went from one to the other, "Well, lads, we must stand our ground; for if we go back the girls of England will laugh at us." That simple expression of determination seems to me, Sir, just as heroic as any of those more eloquent and inflated sentiments of patriotism which are to be met with in the most eminently classical authors. Well, then, the arrangements in our regiments were as good as possible, but there they stopped. The condition of our army in a time of peace precluded that practice of evolutions and movements which belong to larger bodies collected together. The brigade system and the divisional system might be studied in theory and in the closet, but were seldom capable of being practised in the field. Those officers who have the good fortune to serve in India see these things on a larger scale, but our officers at home are compelled to study them only theoretically in the closet; and a man might as well expect to learn how to swim by extending himself on a mahogany table as to learn military evolutions by reading books in his armchair by the fire side. A great and most important improvement was made by the purchase of the land at Aldershot, and by the arrangements made there. The Government are enabled to collect there a considerable number of troops for summer exercise. They are there organized in the same manner in which they would be organized for service in the field, in brigades and divisions; and by that means the staff officers and the men themselves are made practically conversant with those operations and movements which, before, the greater part of them only knew theoretically. Every Government on the Continent that has military establishments has invariably practised these collections and exercises of troops. The French, the Austrians, the Prussians, the Russians, have invariably practised large bodies collected together, and by that means have enabled their general officers and staff officers to acquire that practical knowledge which is essential in conducting the operations of an army in the field. And therefore my hon. Friend the Member for Lambeth is entirely mistaken in depreciating the value of that establishment at Aldershot. Whatever may have been the cost, I say that the money has been economically laid out. It has been laid out with the greatest advantage to the public, and I do trust that nothing will ever pass in this House which will interfere with the continued benefit that Aldershot will afford to the public by being, as it is intended, the place where, between the months of April and October, considerable bodies of troops shall be collected to perform those movements and evolutions which they would have to perform if they were called upon for active service either at home or abroad. There are other points in which our army was deficient, and those deficiencies were greatly and severely felt at the outset of the late war. And, by the by, I may say that even the practice in the late war was not a practice particularly calculated to instruct officers in great field movements, because our army was stationary during the greater part of the time. It was not like a war carried on in the interior of a country with army movements and marches over a great surface of ground. But, in the first place, there was a great want of that which is essential to the movements of an army—namely, a field train, or what used to be called a waggon corps—men trained to attend to the sick and wounded, and to the different matters connected with the supplies of an army. There was great want of a hospital staff, of men practised in hospitals and conversant with the methods of treating the sick. These things have been remedied. By the present Estimates it will be seen that two new corps have been formed—one a field train and the other a hospital staff—composed of men trained to attend on the sick in hospitals. The Committee will see that, with regard to numbers there is an increase of about 6,000 over the numbers of the year 1853–4. That increase arises principally from the creation of these new corps, the augmentation of the artillery, and the retention of those supernumeraries who were appointed during the late war, and who might have been reduced, but whom the Government thought it would be hard to reduce. We determined therefore to keep them on full pay. The Commander in Chief willingly agreed to that arrangement at a sacrifice of that patronage to which some people think he attaches so much importance. We thought it better to retain as supernumeraries a great portion of the men who were about the establishment on full pay than discharge them at once and have to replace them afterwards by recruiting. The general wear and tear of the army may be reckoned at about 12,000 men—including discharges, deaths, and other causes of decrease—and we thought it better to retain efficient men as supernumeraries than discharge them, and then have to go to the expense of raising other men. Then, I think it will be seen that the increase of expense, so far as the land force is concerned, arises from these supernumeraries, officers and men, the augmentation of the artillery, the field train, and also the hospital staff. Now, considering how much modern war turns upon the artillery service, I think the House will be of opinion that it was not bad economy or bad foresight upon the part of Her Majesty's Government to augment to a certain extent the artillery force of our army. At the beginning of the last war, we could not have put into the field fifty pieces of artillery, and to judge by comparison what that amount is, it may be stated that when the Russian army entered Hungary to assist the Austrians to put down the Hungarians they brought into the field 660 pieces of field artillery. By the augmentation of our artillery, I think that we could put well into the field, instead of fifty pieces, 150. I do not think that the House will be of opinion that that is a greater amount than is necessary. The total increase of charge upon the land force in the Estimates, as compared with the year 1853–4, the last year before the war, is £600,000 odd, a charge temporary in its nature, partly arising from these supernumeraries, and partly, but mainly, from those augmentations that I have mentioned. There is no increase in the infantry of the line. There is, in point of fact, a slight diminution of about 120 men. There is a slight increase in the cavalry, arising from an augmentation of the dismounted men. There is an increase in the engineers, and also in the artillery. Now, I think that it is not very material, within certain limits, what is the amount of your infantry force. It should, of course, always be sufficient for the service of the year. An infantry man can be made (I trust that the military officers in the House will excuse me if I appear to make too light of the time necessary for the instruction of an infantry man) in a few months, and to judge from the example of the militia, I should say even in a few weeks. At all events, an infantry man may be rendered available for service in a very short time. A cavalry man requires a longer training, because not only have you to teach him what he himself has to do, but how his horse should be treated, and what it has to do. A double instruction is thus necessary in the case of the cavalry man; and that, therefore, is a reason why you should in time of peace increase your cavalry force rather beyond what, perhaps, might otherwise be considered necessary. The increase now proposed is entirely in dismounted men, and not in the number of horses; these dismounted men, however, will all be drilled to horse exercise, so that if it were necessary to render the regiment more efficient it would be only requisite to buy an additional number of horses and mount your men upon them. The artillery, however, is a corps which requires great practice and instruction. An inexperienced artilleryman is of very little value, and unless you have a good corps of artillery depend upon it your army will be very inefficient in the field. Next come the engineers, and that of all corps is one which requires most scientific knowledge, longest training, and the greatest amount of skill, experience, and instruction. The proposed increase of 1,100 men to the engineers is, therefore, one well deserving the approbation of the House. The total increase in respect to numbers under all these different heads is 6,917; the increase of charge is £636,000, part of which is temporary. These Estimates, in fact, must be considered as Estimates of transition, for, as I shall have to state very briefly (leaving the details to be treated by my hon. Friend), there is an increase in other items, which arises out of contracts made during the war and not yet executed, but which must be completed and paid for, as well as out of works, which will not, it is hoped, occur again to the same extent in future years. Independently, however, of having a force sufficient for the defence of the country, there is another consideration which has of late years been much dwelt upon and much forced upon public attention, but which for a considerable time did not sufficiently attract the notice either of the Government or of the country —I mean the necessity of defensive works for the protection of our dockyards and commercial ports, and for the protection also of such points as Dovor, which may be said to be the key to the southern coast of England. These works were for many years almost entirely neglected. Of late years more attention has been paid to them; from time to time annual sums of money have been voted for the completion of such works, and thus the object in view has, to a certain extent, been accomplished. Both Portsmouth and Plymouth may now be said to be unassailable from the sea side; but they both require additional fortification on the land side. Dovor is becoming a fortress of considerable strength. That place is certainly of the utmost importance, because if the enemy were to get possession of Dovor, with its harbour and the facilities it would offer for their landing, this would of course be a very inconvenient position to us for them to occupy. It is, therefore, obviously of the greatest importance that Dovor should be placed in a situation which would enable it to defend itself if attacked until assistance and support could arrive. It is necessary also to impress upon the House the high importance of protecting the dockyards—our great arsenals at Portsmouth, Plymouth, Sheerness, and Pembroke—against the attacks of a small army landing in the neighbourhood and shelling them on the land side; because, if our naval resources in those dockyards were destroyed there would be at once an end to our naval superiority, you would be left comparatively defenceless, and would be exposed to have any number of men landed upon any point of our coasts. These, Sir, are matters of the utmost importance, which for several years past have seriously occupied the attention of Her Majesty's Government, and my right hon. Friend the Member for Carlisle (Sir J. Graham) knows well (because he entered heartily and constantly into these deliberations when he was a Member of the Government) the importance of this subject; he is aware that what has been done has not been useless, and that further application of the same means is required to accomplish the object we have in view. Then there is another item of expense which also belongs to the improved notions of the present day—I mean that connected with our barracks. In former times it was too much the habit to consider the soldier as a mere animal, to carry a musket during peace, and a thing to shoot and be shot at in time of war. Too little attention was paid to him as a moral and intellectual being, or to his comforts as a man, whether single or married. The attention of Government has been properly and usefully called by Parliament of late years to the necessity of better arrangements for the decent and comfortable habitation of soldiers in barracks at home. Such arrangements, however, are attended with considerable expense. When you have to provide for married men separate from the rest of their comrades; when you have to build places for their recreation, reading-rooms, and libraries, all these things require great addition to what used to be considered a tolerable barrack; and the construction of barracks upon new principles, as well as the alteration of old ones in conformity with those principles, necessarily increases the annual charge under this head. It is also very desirable that as far as possible the troops at home should be lodged in barracks. It is better for them as soldiers; it eases the civil population from that which is felt as a burden; it contributes to the steadiness of the men, to their moral habits, and is in all respects therefore a most desirable arrangement. But then, again, these arrangements cannot be effected without a considerable expenditure, and if the House therefore sees an increase under the head of "barracks," as compared with the expenditure of former years, I trust it will feel that this is really a sacrifice necessary for the accomplishment of objects which everybody admits to be most desirable, and which it is the duty of Parliament, as far as it can, to carry into effect. Then there is in the military departments a small increase, which may be the subject of diminution in a future year. The whole of the military departments are now brought under the Secretary for War, who is, as my hon. Friend (Sir John Ramsden) has stated, responsible for all the expenditure; and a great advantage to the service has already arisen from the consolidation of the army, the Ordnance, and the Commissariat. In the manufacturing establishments there will be found an increase of £57,000 as compared with the expenditure of 1853-4. Now, I am quite aware of the jealousy with which those who represent the private manufacturers of arms regard the manufacturing establishments of the Crown. But I can assure the hon. Gentlemen the Members for Warwickshire that the Government never contemplated having establishments of this kind sufficient in magnitude to dispense with the employment of the trade. Such a thing would be out of the question. There is a great advantage in the possession by the Government of manufactories carried on under their superintendence, where experiments can be made, and where standards can be used with which to compare the works of private traders; but it would be absurd to suppose that any Government establishments could be upon such a scale as to supply the entire wants of the army with regard to muskets. We were obliged, when the late war broke out, to have recourse, not only to our own trade, but to manufacturers of arms in Belgium and America. Very objectionable in principle this, no doubt, was, but at the same time necessity has no law, and we had to choose between leaving the army with their old "Brown Bess," which everybody admitted to be an inferior weapon, or to go abroad to procure proper weapons for our troops. Even now, with all the contracts which have been fulfilled, and those which are in course of execution, we shall only be able to furnish Enfield rifles to the troops of the Line; there will still be the militiamen to be armed with them; and if they are to be armed at all I apprehend this force ought to have as good a weapon as any other branch of our force. There ought, also, to be a certain quantity of muskets in store to be ready for emergencies; besides which there is an annual consumption which requires to be supplied; and if we were ever called upon to defend ourselves what would the people of this country say if, offering themselves in hundreds and thousands as volunteers, we had nothing but broomsticks to place in their hands? We must, then, have a certain store of small arms in hand, and that is the object which the Government has in view. Well, then, there is the establishment at Woolwich, which is really deserving of a visit from any Gentleman who takes an interest in these things. There is a perfection of machinery, a perfection of ingenuity, a successful application of science to practical purposes which must afford the greatest pleasure to anybody who can understand these things and take an interest in them. And the advantage of this establishment at Woolwich during the last war can hardly be exaggerated. If we had not had there men of great talent, and machinery of great power, it would have been uttely impossible to have furnished the quantity of ammunition and projectiles which were necessary to carry on the war in the Crimea. Among other things, I may mention that Captain Boxer, one of the distinguished officers of that establishment, invented a method of exploding a shell by a well-regulated fuse, which produced the greatest possible improvement in that weapon of war. Whereas before, shells used to explode no man could tell when or where—sometimes on issuing from the mortar, sometimes in mid-air, sometimes not at all, even when they hit their object—by the fuse which Captain Boxer invented the utmost precision was attained as to the explosion of the shell at the very point at which it was desirable it should burst. There is also a manufactory for iron and brass ordnance, which is scarcely of less importance than the manufactory of small arms. The amount taken for this year is comparatively small, but enough to make as large a number of iron guns as it will be possible to make carriages for. The great improvement which has taken place in the calibre of guns used both by sea and land, has entirely put out of the question the small pieces of ordnance which were thought sufficient in former years to arm our vessels and defend our forts. It is absolutely necessary that both our floating batteries and batteries on shore should be armed with guns equal to any which can be brought against them. In the wages of artificers there is, of course, a proportionate increase. With regard to the clothing of the army, there is a small increase of £3,783. The hon. Gentleman the Member for Lambeth criticized the change which had lately been made in regard to the clothing of the army; but I think that change has been productive of great benefit. Formerly a certain sum—so much per man—was voted annually for clothing the troops, which was handed to the colonel of each regiment. He provided an army clothier to clothe the men, and the surplus which remained after the army clothier's charges were paid was the profit of the colonel. Of course it was the interest of the clothier—it was of the colonel too—but I know that that was not an object which was looked to—to make the clothing pass muster as narrowly as possible. Now an allowance is made to the colonels, in addition to their pay, in lieu of their clothing emoluments, and the clothing is provided by the War Department. I am enabled to say that the clothing now supplied is of incomparably better material, while the expense to the public is very much the same. In the items of provisions, forage, and matters of that sort, there is, of course, an increase, depending on the number of the troops and the price of provisions. With regard to warlike stores there is a slight increase as compared with the year 1852, owing to contracts made during the war not yet fulfilled, which the Government are compelled to pay for when the articles are delivered. With regard to fortifications and barrack accommodation, there is an increase on the whole of £242,000. These charges arise out of the considerations which I have mentioned as connected with the defence of the country. They comprise certain works at Portsmouth, in the Channel Islands, at Dover, and a certain sum is taken for continuing works at some of the principal commercial harbours of the country. There is another object which has attracted, and most deservingly attracted, the attention of the House,—I mean the provision for the education of the officers of the army. It is quite obvious that, whatever may be the courage of your officers, and whatever the bravery of your men, unless there be with your courage a mixture of a certain amount of science and familiarity with the operations of war, if there be not a mixture of cultivation of mind generally as well as a cultivation of technical knowledge — you do not get your full value out of your courage, and you sacrifice lives which might be saved. Though the dogged courage of the British officer and soldier may, under any circumstances of disadvantage, carry out the objects for which they strive, still it is the duty of the country to give its military men that instruction which will enable their courage to accomplish its objects with the least sacrifice of life and with the least loss to the army. Great improvements have been made in the regimental schools, and with regard to the officers, a Council has been appointed (of which the

Commander in Chief is the head), consisting of officers of great distinction, in communication, of course, with my hon. Friend the Secretary for War (though he is not actually a Member of the Council), its object being to frame a system of education for the officers which will be calculated to secure to the army men skilled in the profession, and whose minds, already generally cultivated, have been improved by a course of particular study and training. When that Commission has reported, its Report will be laid on the table, and I trust they will be successful in framing a system of education calculated to accomplish the objects I have mentioned. The total amount of the charge for the effective service of the army was in 1853-4, £7,404,291; in this year it is £9,025,360, making an increase of about £1,658,787. This is diminished by a decrease in the charge for the yeomanry, which we do not propose to call out this year, and there is a diminution in the non-effective services of £9,534, which leaves a total increase of £1,611,526. We are sensible that it is the duty of the Government to endeavour to combine a due regard for economy with that efficiency which I am sure this House and the country will wish should belong to the military service. We have made a reduction as compared with the last year of the war, and we propose these Estimates for the present year after a careful consideration of the various items of which each charge is composed. These Estimates contain, no doubt, many items which are open to Amendment and diminution in future years; but I hope the House will vote for the present year the number of men and the amount of charge which we propose; and during the next year it will be our duty to endeavour to see what items can be diminished. Some portion will naturally cease by the operation of causes which are now in action. I do not think that the amount of force is greater than will be required for the service of the country in time of peace, and many of the other charges, the excess upon which composes the greater portion of the aggregate excess beyond the Estimates of the year 1853-4, I am in hopes will cease during the present year. My hon. Friend the Under Secretary for War (Sir John Ramsden) is quite ready to give the Committee every detailed information as we go step by step through the Votes, and I am quite sure he will do it with that ability and clearness which have distinguished him on every occasion when he has presented himself to the House. Though I have thought it my duty to undertake to make this general statement to the House, it was not from any doubt of the perfect competency of my hon. Friend. In another year, when he has had an opportunity of making himself better acquainted with the subject, he will perform that duty which I have thought it better to perform for him on the present occasion. The noble Viscount concluded by placing in the hands of the Chairman the first Vote—

> "That a sum of £2,921,017 be granted to Her Majesty, in addition to a sum of £1,467,000 already voted, for defraying the Pay and Allowances of Her Majesty's Land Forces at home and abroad, exclusive of those stationed in the East Indies."

MR. STAFFORD said, he had no doubt that the noble Lord would continue to give to the reform of the different departments the same attention he had paid since he succeeded to office: and he (Mr. Stafford) must congratulate the Committee on the improvements which had been made in the management of the army generally. He must, however, express his regret that the noble Lord had not touched on the grievances of the army medical department, and that the Government had, to all appearances, neglected the recommendations of the Committee which had sat to inquire into the subject. It was no answer to his complaints to say that a Commission had been appointed this year to inquire into this subject. It was better to appoint a Commission than to do nothing; but as a member of that Commission he should enter upon the task which it had undertaken with less hope, and should be less sanguine as to the results of its labour if he had seen any evidence of a greater desire to ameliorate the condition of this department than the Government had hitherto exhibited. So far as the comfort of the officers was concerned, the state of the army medical department was worse than it was before any inquiry took place, because their minds were more unsettled, their prospects were less determined, and their anxieties were greater. What these officers desired was that the Government should either do something for them or should tell them that they would do nothing, and allow them to choose fairly between entering or continuing in the army, entering the service of the great steam companies, retiring into private practice, or emigrating to our Colonies or to America.

One effect of the present uncertainty was to retain in the senior ranks gentlemen who, without any disrespect to them be it spoken, were not now such efficient executive or administrative officers as they had been, and this was because they did not know what would be done with them. He hoped that some determination would be come to soon, in order that these gentlemen might have, at all events, that which was next best to a reformed medical body, a fixed and determined one, composed of men who knew what they had and what they had not to expect. The results of the last war, during which we saw our army at one time hastening to destruction, and at another so resuscitated that its average mortality was less than that in our own islands, had afforded us most important lessons, and we should be deeply guilty if we did not profit by those lessons. He was not prepared to object either to the number of men or the sums of money which the noble Lord had asked the House to vote, whilst, however, they ought on the one hand, to be justly proud of that spirit of order and loyalty which, not only in this country but in Ireland, rendered a large army unnecessary to enforce obedience, on the other hand they ought not to forget the severe pressure of the taxation to which the people of this country were at present subject. Of all delusions, that which was most noxious, prejudicial, and fatal, and most likely not only to ignore past experience, but to render it the parent of future disaster, was the opinion that our disasters during the late war arose from the insufficiency of our supplies, or the relutance of Ministers to ask that House to vote adequate sums for the maintenance of the military establishments. After the most careful consideration he had come to the conclusion that these causes had no more to do with our disasters than had the invention of gunpowder. Had we, under the same circumstances, sent out twice the number of men, and twice the quantity of stores, at twice the expense, the only result would have been that our mortality would have been twice as great, and our *prestige* would have been more than ever impaired. For the prevention of similar disasters in future we must look to other means than adding million after million to our army estimates and infinitely increasing our establishments. We must, as the noble Lord had said, look to the formation of such establishments as, not too expensive in time of peace, might be efficient in time of war. If the Government had arranged the establishments upon this principle, they would have established another claim to the gratitude of the country; but this could not be done so long as they left without adequate remuneration those to whom they must look for the health of the army—whom they could not stimulate by the brilliant rewards and splendid positions obtained by combatant officers, and who were now so dissatified with the service that the Director-General of the Army Medical Department had not candidates to fill up all the vacancies on his list. Therefore, he begged the Government to consider whether, during the present financial year, they could not do something for this department, especially by raising the pay of the assistant-surgeons and reconsidering the questions of retirement and of promotion from rank to rank. No doubt, much valuable evidence would be given to the Commission appointed to inquire into this subject; but much time must elapse before the Report of that Commission could be presented and acted upon, and he would therefore urge upon the members of the Government, and especially upon the noble Lord at the head of the War Department (Lord Panmure), that it was not yet too late to do something for the medical officers. The noble Lord (Viscount Palmerston) had justly praised the successful labours of the Commissioners who were sent out to the Crimea. The Army Medical Department felt that had they had power to carry out many of the suggestions made by that Commission, the state of the camp would not have been such as it was when the Commissioners arrived there. They felt aggrieved that credit should have been given to the Commissioners for suggestions which they said they had previously made, but which had not been attended to. He (Mr. Stafford) had moved for the production of papers which would show whether or not this assertion was well founded. If it were, it would establish the necessity of giving to the officers of the Army Medical Department more powers; if it were not, it would prove that the officers of this department were deficient in the sanitary knowledge possessed by civilians, and would demonstrate the desirability of making some arrangement which should attract to it men of greater education and more scientific attainments than, under the existing system, would join the army. The Report of the Commissioners stated:—

"In May, 1855, the army arrived at its most healthy state. The weekly admissions into hospital averaged a little more than 1·6 per cent. of the force, and the weekly deaths little more than 8 per 1,000 of the force per annum. This death rate is about the same as exists in the healthier districts of England for males of the army ages. But assuming this present country rate as an attainable standard for the whole of England, we are at once struck with the very unhealthy condition of the army in home stations. It appears from the army statistical Report, 1853, that the mortality among infantry of the line in the United Kingdom is 16·8 per 1,000 per annum, from disease alone, while in the Foot Guards it is 19·8 per 1,000. In the model dwelling of the metropolis the mortality for all periods, from infancy to old age has ranged between 12·6 and 13·9 per 1,000 per annum, a little more than half the mortality of the metropolis for the same years. On comparing the mortality in these dwellings of all ages with the picked lives of the army, we have a most convincing proof of what may be done and how much requires to be done for the sanitary improvement of the soldier. The loss of efficiency from invaliding and sickness in the army also very much exceeds what is experienced by the working classes at the same ages."

The noble Lord had said, and said most justly, that the Government had taken measures for improving the accommodation in barracks, and also in the clothing of the troops; but clothing, diet, and accommodation, whether in barracks or in the hospital, depended for their success upon the intellectual cultivation of the medical officers of the army. If none but the dregs of the young men adopting the medical profession were induced to enter the medical department of the army, so long would a wasteful prodigality be perpetuated, and so long would the lessons of the last war operate in vain.

Mr. WATKIN begged to express his thanks to the noble Lord for his able and comprehensive statement. He could assure the noble Lord that the greatest pressure had been put on all Members—at least on that side of the House—to urge the utmost economy in the Estimates; but, on this occasion, looking to the great reduction that had been made in the Estimates, they would be content to rely on the responsibility under which the noble Lord, as First Minister, had brought them forward—they must rely that Her Majesty's Government had duly considered the importance of maintaining the efficiency of the army, and had endeavoured to maintain the greatest amount of efficiency at the smallest practicable cost. He should have been glad to hear from the noble Lord something about the manner in which the Government proposed to follow up the progress of invention with regard

to the construction of arms and military machinery, for upon that much of the efficiency of a small army must necessarily depend. The system which was in force in the United States appeared to him to be well worthy of consideration. In that country a permanent Commission sat to inquire into all new inventions which might be brought forward from time to time relating to arms and military machinery, and every five years the army was re-equipped in accordance with their report, although doing so sometimes involved the disposal, at a loss, of a large quantity of arms and machinery. The result of that system was, to maximize the efficiency of the material of the army; and if ever this country should come into collision with the United States—which God avert!—it might be found that the army of the United States possessed improved weapons and material in which we were wanting. The noble Lord had told them, and all lovers of peace must have been glad to hear the statement, that England ought not to maintain a large standing army in time of peace, but that the endeavour ought to be made so to arrange our military organization that a small number of men might be sufficient for the defence of the country. Now, the utilization of the army for defensive purposes must depend in a great degree upon the rapidity with which commanders could obtain information from the coasts, and also upon the means available for transporting troops and material of war. With reference to the first of those points, he would venture to say that at present there were many places upon the coast where a hostile force, availing itself of screw steamers, and of the improved means of embarking and disembarking troops, might effect a landing without its being known for several hours even to the general commanding the district. He ventured, therefore, to call the attention of the Government to the expediency of constructing a coast telegraph, which might be worked by the coast-guard, and which would place every sinuosity of the coast in communication with head quarters. The question of the means which were available for the conveyance of troops and material of war was equally important; and how was the country provided in that respect? Why, he believed that notwithstanding the vast sums of money which had been expended upon railroads, and the number of miles of rails which had been constructed, a complete regiment of cavalry with its horses could not be conveyed from any of the principal termini in the country to any point without twenty-four hours' notice. Now, what was the cause of that? It was that the railway plant was not adapted for the conveyance of cavalry horses or military stores or appointments, and, therefore, in the event of an invasion, the practical difficulty would be felt of not being able to convey troops from point to point with despatch. Some years back this subject attracted the attention of the War Office, and experiments were made to test the facility of placing cavalry horses and field guns into railway trucks and cattle waggons, and those who witnessed those experiments had imagined that they would be followed up, and that something would be done, either by the Board of Trade or by the War Department, to provide against what would be a serious difficulty in case of invasion. That, however, had not been the case, and the result was that which he had described—namely, that the Government was utterly unprovided with the means of conveying troops with despatch. Now, he would venture to say that a little attention to the subject would enable these two departments, in communication with the railway companies, by a very slight alteration to make the present stock available for the purpose of conveying troops and material of war with despatch; and he believed that if the suggestion were acted upon, and if a coast telegraph was established, the country would, at a very small expenditure, obtain a far larger amount of efficiency for defensive purposes than it had ever before possessed.

Mr. MAGUIRE complained that privates and non-commissioned officers were obliged to pay for the passage of their wives and children when they were moved from one place to another. In one case which had been brought to his knowledge, a sergeant, who was sent from a garrison in England to a garrison in Ireland, had had to pay no less than £3 12*s.* for his wife and children. Before railways were made, the soldiers' wives travelled on the baggage waggons, but now the men had to pay for their travelling by railway, which they could ill afford. Now, that appeared to him to be a great hardship, and he should like to hear the opinion of some of the distinguished officers who sat in that House upon a point of vital importance to meritorious public servants.

Sir FRANCIS BARING complained that the check which had formerly existed with reference to the transfer of the Government of a sum of money voted for one department of the army to the service of another no longer obtained, inasmuch as the expenditure for the various military departments was combined under one head, so that under the present arrangement a sum which had been voted for the militia force might be laid out by the Secretary for War, with the consent of the Treasury, upon the regular army or upon the Commissariat without any new Vote of Parliament. But passing from that point he must observe that although he had listened to the statement which had been made by his noble Friend with great satisfaction, yet by no means with so much satisfaction as had been expressed by an hon. Gentleman who called himself an economist, he (Sir F. Baring) regarded the amount of the proposed Estimates as by no means inconsiderable. He found, indeed, that those Estimates exceeded by a sum of £2,000,000 the average annual amount of the military estimates from the year 1844 to 1854; while, taking the naval estimates into account, he found that the sum asked for the combined services, deducting the charge for the coastguard service, exceeded by £3,000,000 the average sum voted for a similar purpose during the period to which he had referred. No doubt it was to some extent satisfactory to hear that a part of this expenditure was temporary, and he quite admitted that the Government had done a great deal in reducing the war expenditure, and that this might be deemed a year of transition. The objection which he entertained to the amount of the Estimates, and which was entertained to it by those with whom he had communicated out of doors, had its origin in no desire that our military service should be established upon an inefficient footing—on the contrary, he, as well as they, was desirous that it should be rendered thoroughly efficient—but they at the same time were opposed to a greater degree of expenditure than was absolutely necessary in order that that efficiency might be attained. Whether it was expedient that the camp at Aldershot should or should not be continued was a matter of some doubt in the minds of military men; but, be that as it might, it was, at all events, perfectly clear that a larger sum should not be laid out upon it than was absolutely required to place it upon a proper footing. There was one item in the Estimates—that for the erection of fortifications and the building of barracks—which appeared to him to be very large. The House perhaps was not aware of the amount it was pledging itself to. It was true that they were only asked for a very small sum this year ; but that was taking a very short-sighted view of the matter. The total amount of the original Estimate for those works was £2,971,000 ; of which sum £1,484,000 had been already expended, while he found that a further sum of £1,800,000 would be required for the purpose, making a total of £3,284,000. That, he should repeat, was a very large sum, and the country had a right to know that, while the objects for which it was asked were in themselves good, no more than the necessary amount of money was spent upon their attainment. But the Committee would be wrong in supposing that these were the only public works that were going on. There was besides that sum, a further sum of £1,000,000 for works in connection with our naval departments ; and then came the Votes for other public works under the head of the Civil Service Estimates ; so that the subject of our expenditure in connection with improvements of that nature became one to which the attention of Parliament should be carefully directed. He hoped that such expenditure would be found, next year, to be diminished ; but he was aware, from his own experience while in office, that when expenditure was once commenced it was extremely difficult to put an end to it. He was opposed—notwithstanding his objection to the amount of the Estimates—to the proposal for referring them to a Select Committee in the present year, because it was clear that no Report could be made before the close of the Session. He should, however, recommend the adoption of that course next Session, when a Committee would have full time to consider the subject, and in doing so he was advocating no new policy, inasmuch as the naval and military Estimates had in the year 1848 been referred to a Committee, at the head of which was the present Duke of Somerset. Great advantage had resulted from their labours, and he felt assured that a similar advantage would be found to follow the appointment of a Committee next Session with a similar object. If they should even come to the conclusion that the proposed expenditure was necessary for the efficiency of the public service, they would have conferred a benefit upon the country, because then the community at large would be satisfied that they were not called upon to pay more than the real exigencies of the State demanded they should contribute.

Sir DE LACY EVANS said, he quite agreed that in the present Session it would scarcely be possible to carry out the proposition of the hon. Member for Lambeth ; but at the same time he was convinced that, if a Select Committee were to be appointed without interfering with the Executive Government in regard to the present actual Estimates for the army, a very great advantage would arise. The right hon. Gentleman (Sir F. Baring) had recommended that the Committee should be moved for in the ensuing year ; but he doubted whether it were not better that the Committee should be appointed during the present Session. It was not well to put off everything until next Session; and even although the Committee should not be able to report during the present Session, the evidence which it would collect would be of the greatest service to the House. There must still be three months before the recess, and the Committee might then be renewed next Session. An hon. Gentleman (Mr. Stafford) had alluded to the state of the Medical Department, in directing attention to which he had rendered great service. This department did not, however, yet occupy its fitting *status.* Its position ought to be raised for the advantage of the army, so that it might draw into it a due number of the competent persons who were to be found in the civil department of the profession. He concurred in the statements which had been made of the hardships suffered by the wives and families of soldiers, and it would be the duty of the Government to take care that these cruel circumstances did not occur again. With regard to Aldershot and Chobham, he must remind the House that the original intentions of Lord Hardinge in establishing camps at these places had been deviated from. Lord Hardinge's plan was a good one—of purchasing Aldershot for exercising the troops—but there was no idea originally of building huts there. It was very useful that the troops should be collected together for four or five months in camp, in order that they might go through the operations which might be required in actual war; but to plant them there for a whole year, during the larger portion of which no operations of importance could be executed, was perfectly useless, and exposed both officers and men to hardships, while it put the country to great expense. It was found that the huts were not weather-proof, and now the Government were going to build permanent barracks. But the question was, whether there were not barracks enough in other parts of the country. In his humble opinion, this project ought not to be persevered in. It was very unadvisable to create disgust and dislike to the military service on the part of officers and men by exposing them to needless inconvenience. In the winter it was extremely irksome to be quartered at such a place. There was no power of practising the men, and if they were only to march on the main roads they could do that in whatever barracks they might be stationed. He would suggest to the noble Lord (Viscount Palmerston) that this subject ought to be reconsidered. It was extremely useful to have, as on the Continent, encampments of troops in those months of the year in which they could be exercised in great operations; but there was much inconvenience and unpleasantness to the troops in such permanent quarters, while the country was exposed to enormous expense. He regretted that he had only heard a portion of the speech of the noble Lord, but what he heard was, he thought, very able and satisfactory. He entirely agreed with him, that there was now more necessity than ever for placing our great maritime depôts, such as Portsmouth, Plymouth, Dover, and Pembroke, in a state of perfect security. Hitherto they had not been in a state of security, and the introduction of steam, the power of transporting great armies with rapidity, and the smallness of our standing army imposed upon the Government the necessity of providing for the defence of these places. It must be recollected that many of the great capitals of Europe, as well as their great depôts, were most expensively fortified. It had been found possible in the late war to transport from England, a distance of 5,000 miles, and from the south of France, a distance of 3,000 miles, a force of between 300,000 and 400,000 men and 70,000 or 80,000 horses within a comparatively short period. Economy was to be considered, no doubt, but whatever expenses the Government considered it prudent to incur in providing for the security of our great depôts and arsenals, and in maintaining the requisite number of troops, would, he had no doubt, be cheerfully voted by the House of Commons. The number of troops he regarded as a matter to be proposed upon the responsibility of the Government, and not of the House of Commons. Various attempts had been made to show that the House of Commons was chiefly responsible for the defects in our preparations at the breaking out of the last war. He could not concur in those charges; for he considered that, if at any time the Government had considered it necessary to maintain a larger force, and had stated their reasons, it would have been voted by the House. These defects were too much a consequence, as it seemed to him, of certain weaknesses on the part of recent Governments, and of the desire for popularity in keeping down the Estimates. When he found that at present there were only thirty-one regiments in England and seven battalions of Guards, he could not consider that we had an excessive amount of force. They were told last year by the noble Lord at the head of the Government that the British army was a fighting army. He was glad to find that the noble Lord was now more fully alive than he appeared to be then to the importance of giving our officers a scientific and professional training. The House might depend upon it that our officers could not be too well instructed in the duties of their profession, and he trusted that the noble Lord would not lose sight of so important an object, but, on the contrary, would endeavour to promote it by every means in his power.

COLONEL BOLDERO wished to call the attention of the noble Lord to two important points. The noble Lord had referred in his speech to the insecurity of some of our dockyards and arsenals, but he had overlooked the most important of them all—he meant Woolwich. He visited that place last week, and to his great surprise found an enormous mass of buildings recently erected at a very heavy cost. The machinery was of the most beautiful description, and he should think the value of the property in buildings and stores was not much less than £20,000,000. Now, Woolwich was entirely undefended; there was not a single fort to protect it, and, in the not impossible event of two or three fast steamers of the enemy dashing up the river and getting past Tilbury and Gravesend, and shelling the arsenal, one whole army and fleet would be seriously crippled for all the purposes of war—because, it must be remembered, that our works at

Woolwich were for the supply both of our land and naval forces. During the last European war, storehouses were built inland, and he believed that upwards of £1,500,000 were spent at Weedon in making it a grand depot for stores and powder. The Government were now drawing the stores away from Weedon and the Tower, and concentrating them at Woolwich. Now, Woolwich might be shelled in a night. Hence the necessity for making that place as strong as possible. He had heard some talk of block-ships, armed with heavy guns, being placed on the opposite side of the river. That, he believed, was the only mode of defence available, and he trusted the noble Lord would lose no time in carrying it into effect. He hoped, at the same time, that instead of concentrating the stores at Woolwich the noble Lord would remove at least part of them to Weedon and other places, where they would be more secure from the attack of an enemy. The second point to which he desired to call the attention of the noble Lord was the position of subalterns. When an ensign joined the army, it was necessary that, after paying £450 or £500 for his commission, he should have a good outfit and £20 in his pocket. The following table showed his income and necessary expenditure for his first year of service :—

	£	*s.*	*d.*
50 days' pay to band and mess, on appointment	13	2	6
Liveries for servant, and other necessaries on joining, at lowest	10	0	0
Messing at 2*s.* 6*d.* per day, for 365 days	45	12	6
Breakfast at 1*s.* ditto	18	5	0
Servant, regulation wages, 1*s.* 6 *d* per week	3	18	0
Washing linen, regulation, at 16*s.* a month	9	12	0
Servant's washing, at 1*s.* a month ...	0	12	0
20 days' pay, as per regulations, to band and mess, a year	5	5	0
	£106	7	0
Pay at 5*s.* 3*d.* per day for 365 days ...	95	16	3
Balance against ensign	10	10	9
	£106	7	0

It would be observed, that to keep his expenditure within £107, the ensign must not drink one glass of beer or wine, or take any amusement or recreation whatever. His loss during his second year was not so large, but still there was a loss, as the following table would show :—

	£	*s.*	*d.*
Messing, at 2*s.* 6*d.* a day, for 365 days .	45	12	6
Breakfast at 1*s.* ditto	18	5	0
Servant, regulation wages, 1*s.* 6*d.* a week	3	18	0
Washing linen, as per regulation, at 16*s.* per month	9	12	0
Servant's washing, at 1*s.* a month ...	0	12	0
20 days' pay to band and mess, for one year, regulation	5	5	0
Wear and tear of clothes, boots, linen, and other necessaries, say	20	0	0
	£103	4	6
Pay at 5*s.* 3*d.* per day, for 365 days .	95	16	3
Balance against ensign	7	8	3
	£103	4	6

Surely, that was not the position in which subalterns should be placed. It might not be prudent, at the present moment, to advocate an increase of pay; but there were other modes in which they might be benefited. In the first place, the barrack-room of an ensign ought to be furnished with plain simple beds and bedding, the same as the soldiers, but of a better quality. That was the French system, and it saved the French soldiers the disadvantage of carrying their beds and bedding with them, when they moved from one station to another. Next, if a band was necessary, the Government should find the instruments, as they did for the German and Italian Legions. They ought, also, to act in a more liberal spirit with respect to the messes, and it would be a great advantage to an ensign to have the price of his mess reduced by 1*s.* or even 6*d.* a day; it would do something to enable subalterns to live on their pay. That was a very important object, particularly in reference to the promotion of sergeants from the ranks.

CAPTAIN VIVIAN was understood to say that, though his views might not be very popular, he certainly was not a very exaggerated advocate for a reduced army. He could not conceive any advantage in referring the army estimates to a Select Committee; he thought they would be better understood by an officer of the department to which they belonged than by a Committee of this House. In cases where the wives of soldiers were permitted to accompany them, it was rather hard that they were not allowed some means of transit, as was the case before the time of railways. He observed that Aldershot had become a sort of military town rather than a camp, and was now a very bad place for soldiers, both as regards their discipline and their health. They did not learn drill, nor, indeed anything at all but to grumble; they lived in dirty, damp, ill-constructed huts The camp at Chobham was infinitely better. There the men at least were under canvas. It was a diversion, and they liked it. It was quite a contrast to the dreary misery of Aldershot. In respect to the reduction of the cavalry, he would wish the House to observe that a cavalry soldier took two years to form. In the last war, we were lamentably deficient of cavalry; it was a most important part of any army, and it was quite impossible that, with our present force of that arm, we could carry on war on the territory of any foreign power. But the chances were a hundred to one against another campaign like that of the Crimea occurring, if we should be at war again. After one short march and one battle, they sat down to a siege; and, with the exception of that one memorable and fatal day at Balaklava, there was no occasion on which the cavalry could be brought into action. If they had marched into the interior of the country, there would not have been a day on which they would not have found the want of cavalry a serious detriment. Even on the principle of economy he objected to the course taken. If the army must be reduced, they ought not to reduce the rank and file, but the staff, which was kept at a much greater strength than was necessary. Then, if they were to amalgamate the regiments that were reduced, so that instead of keeping up two regiments at half their force, they would have one at its full force, there would be a great saving of expense. He complained of the hardship upon cavalry officers, that they had to find their own forage, which was not the case with infantry officers, who, when their duties required them to keep a horse, were allowed forage, or a certain amount of pay in lieu of it.

General THOMPSON said, a subject like the present had three faces. There was the question of the goodness of the plans proposed; of the scale on which they were to be executed; and the purposes to which they were to be applied. If on either of the two last he should be obliged to join with those who were probably meditating an Amendment, he should be sorry it should be attributed to discontentment with the first. He would only take the opportunity to impress the enormous economy of having everything of the best. For example, an infantry soldier was held to cost £30 a year. The cost of a musket was £2, and of a rifle £10; so that, if the rifle only lasted four years, it would make an increase of cost of £2 a year, and the question would be whether, for certain services, fifteen of the men at £32 a year would not be better than the sixteen at £30. In the case of cavalry it was the same. A cavalry man and his horse were held to cost £75 a year; and if it was proposed to add £20 to the price of the horse, and the horse lasted only four years, this would make the cost of the better mounted men £80 a year, and the question would be, whether, for certain services, fifteen such cavalry would not be better than sixteen of the other. There was a tradition in India, that an English officer visiting one of the Dutch settlements, asked the Governor how it was that all his troops were riflemen; to which the Dutchman replied, "We cannot afford anything else." This did not prove that all infantry should be armed with rifles, but only that the Dutchman knew it was true in his own circumstances.

Major KNOX wished to draw the attention of the Government to the fact that, although the War Department had paid the field allowances of the officers of the Italian Legion stationed at Malta during the war, they had not paid them to the British officers, and he thought it was due to the widows and families of such of the officers as had fallen in the Crimea that those allowances should be paid.

Colonel HERBERT said, in reference to the Arsenal at Woolwich, in which the whole material of our army was now concentrated, that no soldier could shut his eyes to the possibility of its falling into the hands of an enemy if they should once succeed in landing on our shores, in which case there was no place from which a battery of field artillery could be equipped, or a body of troops supplied with any of the ordinary material of war. He would not advocate the establishment of additional workshops, but he thought there might be other places in which stores might be kept in reserve. He found from the Estimates that considerable reductions had been made in the strength of our infantry and cavalry regiments, the reduction in the rank and file amounting to about 20,000 men; the regiments were in fact reduced to oue former peace establishment. He would draw the attention of the Government to the advantage which would result, when reductions were pressed upon them by popular clamour, from so making those reductions that they should be visible, tangible ones.

A decrease in the rank and file struck at the root of the efficiency of every individual regiment, while it left the number of regiments exactly the same. Now, he ventured to say that one of the principal causes of the sufferings of our army during the late war was the want of men. The regiments sent out to the Crimea from this country were made up in the first instance by spoiling other battalions. Some of the regiments which succeeded those, arrived out not more than 500 strong, and even then many of the men were recruits. The same result might be anticipated in any future emergency if we followed the same system and kept our regiments at so reduced an establishment as 840 men. What he would wish was that our regiments should muster at the very least 1,200 men, to accomplish which he would gladly see a reduction of ten battalions of infantry and of one-half the cavalry regiments. He should recommend that the number of regiments should be reduced, and that the saving thus effected should be applied in giving additional rank and file to those which were retained.

Colonel SYKES concurred in the opinions expressed by the hon. and gallant Member for Westminster and others: namely, that the Estimates should be referred annually to a Committee, and trusted that so prudent a proposition would not be lost sight of. Such a course would have at least this good effect, it would satisfy the public mind that, although the Votes might be passed before comparatively empty benches, the details would be elaborately looked into by competent persons appointed by that House.

Lord JOHN RUSSELL: I cannot offer a word of objection to the proposal before the Committee. No doubt, it is very wise to have added 7,000 men to our former peace establishment, and the reasons of my noble Friend are sufficient to show the necessity for such a course. I own, however, that I have heard with some apprehension various suggestions made in the course of this discussion with regard to our military expenditure. It cannot but occur, I think, to any person who considers the state of our finances that unless very considerable reductions are made before the Estimates of next year are brought forward, those finances will be in a condition which this House cannot contemplate with satisfaction. I remember my right hon. Friend the Chancellor of the Exchequer in the late Parliament stated that if our ancestors who incurred the great national debt had pursued the course which he and the present Government were now pursuing, we should not have had reason to complain of the burden of that great debt. But I fear, unless very large reductions are made, that next year we must either depart from the principle laid down by my right hon. Friend, or we must do that which this House will be very unwilling to do—impose new taxes to a very considerable amount. My right hon. Friend, when he brought forward the Budget, showed that his proposals were quite sufficient for the present year. But his revenue for the present year included about £4,500,000 of income tax which will not figure to his credit in the next year's accounts, and his whole surplus, after he had taken off £500,000 from the tea duties, did not amount to more than £400,000. Let the Committee consider what the state of our finances will be next year, if, not having this £4,500,000 of income tax, we have to provide Estimates anything like those of the present year, with an increase of £1,600,000 over our former peace establishment as to the army, an increase of about £1,000,000 in the navy, and a similar increase in our civil estimates, which have got up of late years with frightful rapidity. I am quite ready to support the present Vote and any succeeding ones that may be necessary for the service of the present year; but I trust that an opportunity will be afforded us next year, whether on the proposal of my right hon. Friend (Sir F. Baring) or of some other Member, for discussing the expediency of appointing a Select Committee, and that the Government will take into their serious consideration the amount of the Estimates, and endeavour to propose reduced ones for 1858. I know we are told, and frequently told, that it was the very great reductions made in our military establishments which created the difficulties of the war. We certainly undertook at the commencement of that war an operation which was somewhat beyond the means of an army such as we at that time maintained. An hon. and gallant Gentleman has stated very truly that the regiments which were sent out were strengthened by taking from other battalions the men necessary to form those regiments; and that thereby the whole army was weakened. The operations we performed at the commencement of the war was, I believe, the best which, under the circumstances, could have been taken; but I do not think such an occasion is likely to occur again; and I am sure that if we are to be governed by the consideration that we ought always to be prepared for such another operation as the siege of Sebastopol, we shall want, not 126,000, but 200,000 men. I cannot suppose that either the Government or the Parliament will consider it advisable to keep up a large army merely on the chances of such a contingency. I should hope, therefore, before Parliament meets again (and we are told that everything is to be done rightly and properly next year), Her Majesty's Government will be prepared with considerable reductions both in the Army and Navy Estimates, but still more especially in those of the civil service. I am sorry to observe from the estimates for erecting permanent barracks and other buildings, that there seems to be a rage for laying out money in brick and mortar, which I am afraid will land us either in new taxes or necessitate the incurring of a fresh debt. In so saying, I know I rather run counter to the speeches made during the discussion on the present Estimates. I do not venture to differ with any of the military gentlemen who have spoken, and express no opinion as to whether it is right to keep up so large a staff, or to reduce the staff, and have a greater number of rank and file; but with regard to the general state of our finances and of the Estimates I hope they will attract the very serious attention of the Government during the recess.

SIR JOHN RAMSDEN said, he would endeavour to answer as well as he could the questions which had been put by hon. Gentlemen. The hon. Member for Yarmouth (Mr. Watkin) would find that two of his suggestions had already been anticipated by the Government. There was a Committee composed of artillery officers and scientific men whose duty it was to report on all inventions connected with the Ordnance. There was also another charge for a Committee which conducted investigations into the improvements of small arms. With regard to the recommendation of the hon. Member for Dungarvan (Mr. Maguire), that the Government should undertake to provide for the carriage of the wives and children of soldiers, on page 14 would be found an item of £63,000 for the movement of troops at home, in which was included a charge for the carriage of wives of soldiers who had accompanied their husbands to the port of embarkation, but who were not allowed to embark with them. Many hon. Gentlemen complained of the expense of Aldershot. No doubt the expense was great, but the object was great also, and a very large portion of the expense had been incurred in bringing up the barrack accommodation to the level of the recommendations of the Barrack Committee. Formerly the expense of constructing barracks used to be about £65 per man, now it was more than £100. The hon. and gallant Member for Westminster (Sir De L. Evans) spoke of the great inconvenience experienced by officers and men quartered there during the winter, but that inconvenience would be greatly diminished, as it was intended to make it a summer camp of instruction, and the troops quartered there during the winter would be accommodated in permanent barracks. He was glad to find that the hon. and gallant Member approved of the works now going on in Portsmouth; and with regard to the defence of Woolwich, which had been adverted to by the gallant Member for Chippenham (Colonel Boldero), whenever there was the chance of an invasion the Arsenal would be defended by block-ships and gunboats placed in the river. The reports given by the gallant Member for Bodmin (Captain Vivian) of the sickness of Aldershot differed much from the reports received by the Government. The average of the sick there was 3 per cent, while the average in the different home barracks was 4 per cent. He would take care that the subject of the allowances at Malta, adverted to by the hon. and gallant Member for Dungannon (Colonel Knox) was inquired into, but at the present moment it was impossible for him to give an answer. The Government felt all the importance of the subject of the reform in the Army Medical Department which had been raised by the hon. Member for North Northamptonshire (Mr. Stafford), and if there had been any delay it arose solely from the desire of the Government to make the fullest inquiries before taking any steps. When the report of the Commission which had been appointed was received they would take steps to place the department on the most efficient footing. With reference to the suggestion of the hon. and gallant Member for Ludlow (Colonel Herbert), the reason why the Government preferred to keep up the staff and reduce the rank and file, was that it took more time to train officers than men, and in the event of war the ranks could be more readily filled up than any deficiencies supplied in the staff.

COLONEL NORTH observed, that the recommendation of the hon. Member for Dungarvan (Mr. Maguire) applied not merely to the wives of soldiers proceeding to a point of embarkation, but to carriage of them on all occasions when troops were moved from one station to another at home.

MR. MACARTNEY called the attention of the Government to the case of the thirty-six captains of cavalry regiments who had been reduced to half-pay since the termination of the war. When the augmentation took place it was understood that it was not to be merely a war, but a permanent augmentation, and on the faith of that several officers had purchased their troops.

SIR JOHN TRELAWNY directed attention to the circumstance, that while sergeants who had obtained their promotion since the 10th of January, 1857, were entitled to extra pay, those whose period of service was longer, and who, consequently, were more deserving of it, remained as they were.

MR. NOEL said, he rose to complain of the stoppages from cavalry officers on account of forage for their chargers. Those stoppages amounted to a sum of £40,000 in the year, and as no similar deduction was made from the pay of such infantry officers as were allowed chargers, he thought the Government ought to take the matter into consideration, with a view to giving some relief to cavalry officers. He served on the Committee last year, when the Duke of Cambridge stated his opinion that cavalry officers ought not to be liable for charges for their horses.

MR. MAGUIRE explained, that his question related to the wives of sergeants and privates moved from one part of the United Kingdom to another. He was acquainted with the case of three sergeants who, with their wives and families, had to travel 700 miles at an expense to one of them of £3 12*s*., to another of £2 1*s*., and to the other of a smaller sum. The consequence was, that their pay was mortgaged for a considerable time.

SIR WILLIAM WILLIAMS could not help saying a few words relative to the pay of the sergeants of the army. At present it was altogether inadequate. Any one who was in the habit of attending upon courts-martial must have felt convinced that if the pay and position of the sergeants were bettered, they would not so frequently run the risk of degradation by the commission of such offences as they were now too frequently charged with. The discipline of the army would, therefore, be very much improved, and he hoped that in the Estimates of next year the consideration would not be overlooked.

SIR DE LACY EVANS complimented the Under Secretary for War upon the complete and accurate statement which he had made to the House, but expressed a hope that no extensive barracks would be constructed at Aldershot. It would be more economical and better for the service that barracks should be constructed elsewhere, and that the troops should be distributed during the non-exercising period of the year, and assembled during the summer in camp, and not either in barracks or in huts.

SIR FREDERICK SMITH said, that the barracks now erected at Aldershot were only for a portion of the troops quartered there. That point had been selected because it was at the junction of two railways communicating directly with Portland and the North Foreland, and by which troops could speedily be thrown upon any part of the coast between those two points. He thought, that when the arrangements for the coast defences were complete, the arrangement would be very valuable.

SIR JOHN RAMSDEN said, that the permanent barracks to be erected at Aldershot would be for the accommodation of only 4,000 infantry, 1,200 cavalry, and two batteries of artillery. With regard to soldiers' wives and families moving — formerly, when regiments were on the march, the wives of soldiers were allowed to ride on the baggage-waggons. Since the alteration of the mode of travelling, their case had not been under the consideration of the Government; but he promised that the subject should receive the attention of the War Department. As to the stoppages from the pay of cavalry officers for forage, all he could say was, that the regulations were now being revised, and although he did not think the Government would consider themselves justified in making so large an addition to the officers' pay as the alterations in question would involve, still the matter was generally under consideration.

LORD JOHN MANNERS said, that the position of the hon. Under Secretary for

War was a very difficult one. The noble Lord the Member for the City of London (Lord John Russell), while stating that he should not oppose these Estimates, had given the hon. Gentleman notice, that if they were not reduced, he must next year be prepared for great opposition; and since then many officers of great experience had suggested additional expenditure in almost every department. He regretted that the right hon. Gentleman the Chancellor of the Exchequer should, early in the evening, have given what seemed to him a very unnecessary promise to strike off from the tariff thirty or forty articles, the duty on which no one felt, and to which no one objected. He defied any hon. Member to name a single article among those which he had mentioned, to which any working man had the slightest objection. Some Gentlemen, following the unwise example of Sir Robert Peel, had a great fancy for striking off small articles; but he regretted that the Chancellor of the Exchequer should have shown a disposition to adopt such a course.

Vote *agreed to.*

(2.) Motion made, and Question proposed, "That a sum, not exceeding £369,055, be granted to Her Majesty (in addition to the sum of £184,000 already voted on account), towards defraying the charge of the Miscellaneous Charges of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in course of payment from the 1st day of April 1857 to the 31st day of March 1858, inclusive."

SIR JOHN TRELAWNY wished to know the meaning of an item of £11,000 for "allowances" to the Guards, which were not made to the line.

SIR JOHN RAMSDEN said, that it was a sum in lieu of an allowance which had been made to the Guards from time immemorial, and he believed went to provide some extra hospital accommodation.

SIR JOHN TRELAWNY complained of the privileges enjoyed by the Guards over their brethren of the line, which he was informed worked injuriously for the efficiency of the service. A captain in the Guards was a Lieutenant Colonel in the army, and the result in the last campaign had been, that Guards' captains had had the command over a number of officers superior to themselves in military knowledge and experience, and had had the command of 2,000 men in the trenches. He was informed, also, that the interior economy of a regiment of the Guards was carried out mainly by the sergeants. He did not approve either of the preference given to Guardsmen in appointing them to commands. In the Crimea, three divisions were commanded by Guardsmen, the Chief of the Staff was a Guardsman, and so also was the Commander in Chief. He did not wish to detract from the merits of those gallant officers; on the contrary, he had a high opinion of them; but, at the same time, he thought that they had been chosen for their command more out of regard to their position in society than from their superiority over officers of the line. Officers of regiments of the Guards were appointed by selection of the colonel, and he saw no reason why the Guards and the line should not be on the same footing in that respect.

MR. BYNG believed that there was nothing so detrimental to the army as these repeated attempts to draw a distinction between the Guards and the line. He believed that the utmost good feeling existed between the officers of both branches of the profession, and he could not sit still and hear it stated that the persons selected for high command in the Crimea had been selected by mere favouritism. The gallant Members for Greenwich (Sir W. Codrington) and East Norfolk (General Windham), were instances to the contrary. Such reflections were most injurious, and reflected no credit on those who made them.

SIR JOHN TRELAWNY said, he had no intention of saying anything offensive with regard to the officers who had held command in the Crimea; on the contrary, he had expressed his appreciation of their merits.

MR. STAFFORD said, that one of the hon. Members for Tavistock (Mr. J. Trelawny) had not said anything offensive, nor had his hon. Colleague (Mr. Byng) accused him of doing so; but he had said what meant nothing, as far as regarded the estimate under consideration. With regard to the £11,000 referred to by the hon. Baronet, that was a sum which went to what was called the "Stock Purse Fund," and recruiting service of the brigade. Now, he had seen the hospitals of the Guards, and they were conducted in a manner which other regiments would do well to imitate, and which might serve as a model for the rest of the army.

SIR WILLIAM CODRINGTON said, that he would not enter into the comparative merits of the Guards and the line; he only rose to state that the custom had been for the Guards to manage their own hospitals with assistance from the Government. That assistance had been commuted into a fixed sum, but the management of the hospitals was still in the Guards themselves.

Mr. W. WILLIAMS said, that the hon. Member for Tavistock (Mr. Byng) had appeared to forget that the Guards were in a totally different position from the other regiments of the service. A captain in the Guards was a lieutenant colonel, and a lieutenant was a captain in the army, and officers of the Guards received much higher pay than officers of similar rank in the line. Passing from that subject, however, he wished to call the attention of the Committee to the circumstance that thirty-four new assistant-chaplains had been appointed in connection with the garrisons stationed at our dockyards, each at a salary of from £200 to £300 per annum. Now, he had been informed that those garrisons had always hitherto been enabled to find sufficient church accommodation from the clergymen in their neighbourhood for a charge of from £25 to £30 per annum, and he could not see why the public money should be expended while the interests of religion were in no degree advanced.

Lord LOVAINE, referring to the remarks which had been made with respect to the Guards, said, that if they held a higher rank and received a higher pay than the officers of the regiments of the line, they also paid a considerably larger amount of money for their commissions.

Lord ADOLPHUS VANE-TEMPEST said, that if one of the hon. Members for Tavistock had endeavoured to instil a poison into the discussion, so far as the Guards were concerned, the other hon. Member (Mr. Byng) had sought to administer an antidote. For his own part, he had no hesitation in saying that the officers of the brigade of Guards might challenge the strictest investigation into the system of promotion pursued in their regiments as compared with the rest of the army.

Mr. CONINGHAM asked why it was that the appointment of a Major General Inspector of Foot Guards had been made with an Aide-camp and Assistant Adjutant General, when there was already a Lieutenant General Inspector of Infantry, who was one of the most distinguished officers in the British service?

Sir JOHN RAMSDEN said, that the appointment had been made with the view of placing the Guards upon the same footing with other regiments. The Major General, in fact, was nothing more than the Brigadier who commanded the Brigade of Guards.

Mr. CONINGHAM said, it was not to the name by which that officer might be called he objected, but to the pay which he received, amounting, as it did, to £125 8*s.* 4*d.* per annum. He could not understand why the Inspector General of Infantry should not discharge the duties of his office in the case of the whole army.

Sir JOHN RAMSDEN said, that a major general was appointed brigadier of each brigade in the line, and that it had been desirable that the same course should be adopted in reference to the Guards.

Mr. ADDERLEY said, that the Committee would remember that in the discussion which took place in the House on Friday last, with respect to the expediency of sending out the German Legion to the Cape, he gave notice that he should take the sense of the Committee on that Vote. On that occasion the right hon. Gentleman the Secretary for the Colonies had not accurately stated the expense which would be consequent on such a step. He (Mr. Adderley) had computed the charge which it would be necessary to incur on their disbandment in this country at the rate of £20 per man, while he had endeavoured to show that the Government had laid out upon those who were settled at the Cape at least five times that sum. The right hon. Gentleman had, however, attempted to cut down his calculation to something like one-fourth of its amount; but having since looked carefully into the matter he (Mr. Adderley) thought he should be able conclusively to establish that which he had in the first instance advanced. As the Votes appeared upon the paper, he found that there was a sum of £31,000 some odd hundreds set down as the amount of the pay of the German Legion per annum; and taking into account that that pay had been guaranteed for three years, the total sum on that head would amount to about £94,000. Now, he found that the second item—an item with regard to which he should wish to take the sense of the Committee—was one of £50,000 for the purposes of erecting buildings upon those allotments of land upon which the German Legion was about to be settled in the colonies; while there was a charge of £11,500 for outfits. But to all these Estimates must be added £30,000 for their conveyance from this country; of £10,000 for the conveyance of their families, whom he would take to be only one-third of the whole number; of £22,500 for rations, and £7,000, at the rate of one-third, for their families; of £20,000 for churches, schools, the salaries of chaplains, &c., all promised by Government; of £7,500 full pay, which they were to continue to receive on the voyage; of £15,000 for army camp equipage, &c.; of £200 for the passage of 20 supernumerary officers; and of £500 more for bedding. From this sum, however, the right hon. Gentleman claimed to make deductions. For instance, there was the sum of £40,000 voted by the Cape Parliament towards their expected receipt of the whole legion of 8,000 men; but on hearing of the offer from this Government being reduced by refusals to sending out 2,300 men instead of 8,000 men, they would no doubt reduce their Vote accordingly. The whole original offer of Government would have been a present of £800,000 to the Cape, and the colonists were so intoxicated at the prospect of receiving such immense plunder, that they voted £40,000. But when they found that only 2,300 were to be sent it was not to be supposed they would be bound by that Vote, which was a maximum Vote, only not to be exceeded. The Vote would probably be diminished to one-third, about £14,000. The right hon. Gentleman told the House it would have taken £64,000 to disband the German Legion, according to the lowest terms of the contract, being at the rate of £32 a man. He called upon the right hon. Gentleman to state how it would cost £32 a man. The engagement was to pay them a year's pay (£18), and to pay their expenses to Germany. [Mr. S. Herbert: To North America.] That would perhaps be about £5. [Mr. S. Herbert: £7 or £8.] Well, £18 and £8 made £26, and that was a good way short of £32. The fact was, however, that the two-thirds who luckily had been so disbanded had cost, on the average, £20 per man, instead of £100. This House would abdicate its functions if they were to lavish five times as much as was necessary in projects of this kind. They were told that they must defend the Cape; but he maintained that the German Legionaries were not the best force for defending the Cape. Were military colonists the best for that purpose, and if so, were there no soldiers of the English army to be found? There was already a large body of British troops, amounting to not less than 10,000, at the Cape. Then it was said that the Cape wanted settlers. But were these the best settlers? Were soldiers ever the best settlers? This was an ingenious scheme of the Governor of the Cape to form a body of military settlers who were at the same time to defend the Cape and to settle the country, and between these two stools his experiment would fall. In the whole history of colonization there had been no instance of the success of such a project. Sir George Grey, the Governor of the Cape of Good Hope, had induced the Government to embark in this scheme upon the assumption of the success of a similar scheme in New Zealand, where Sir George Grey had been Governor. But there was not a colonist acquainted with New Zealand who did not condemn this experiment of Sir George Grey as a costly and entire failure, which had involved the colony in a debt of £90,000, while the colonists had not got so good a body of settlers as a similar expenditure would have obtained for them in sending out labouring men from this country. The Canadian pensioners were a similar burden, from which the country was still trying to free itself. This scheming, speculative Governor, who was of course himself very popular, had applied for a yearly vote of £40,000, which he obtained in 1855, and again in 1856, and which would again come into our Estimates this year, for improving the frontiers. He never could obtain any satisfactory information how this money was spent. It appeared that the Government were ready to give £800,000 for this experiment with the German Legion, and the right hon. Gentleman had to thank the roving tastes of the Legion that we were not saddled with a vote of £800,000. As it was, we incurred an expenditure of £270,000 in disbanding 2,300 Germans. If he were supported by the sense of the Committee he would move the reduction of the Vote by £50,112—namely, the allowance for building. If ever a Vote united extravagance with inefficiency, it was that which sent the German Legionaries to defend and settle the Cape.

Motion made, and Question proposed, "That a sum, not exceeding £318,943, be granted to Her Majesty (in addition to the sum of £184,000 already voted on account), towards defraying the charge of the Miscellaneous Charges of Her Majesty's Land Forces at Home and Abroad, exclusive of India, which will come in course of payment from the 1st day of April 1857 to the 31st day of March 1858 inclusive."

Mr. LABOUCHERE regretted that he should be under the necessity of renewing the discussion which had taken place on this subject so short a time ago. He regretted also that the hon. Gentleman had thought it necessary to his argument to attack Sir George Grey, the present Governor of the Cape. It was not necessary that he should have done so. He had asserted that this scheme of settling the German Legion in South Africa originated with Sir George Grey. The hon. Gentleman was entirely mistaken. If he had read the papers with attention he would have seen that the scheme originated with the Government, and not with Sir George Grey; if, therefore, censure attached to the proposal, it was upon the Government it ought to fall, and not upon that distinguished man. It had been his duty to watch the conduct of Sir George Grey, and he had admired the calmness and courage with which he had met a state of things that caused the most alarming apprehensions in the colony, and which would have broken down the spirit of an ordinary man. He had upheld the courage of the colonists by the energy of his measures, and he had hitherto succeeded in preserving the colony from the evils, and this country from the expense, of another Kafir war. With regard to the number of Queen's troops now in the colony, he would rather stand there and justify the conduct of the Government in having sent timely succour to the Cape than have to explain and apologize for not having done so. In dealing with the Kafirs they had to deal with no common foe; and, far different from what they were some years since, they were now trained to the use of arms; they were formidable even to the disciplined troops of England; they knew what was the force which the British Government had at any time in South Africa; and he was convinced that the preservation of peace was due to the presence of those troops which the hon. Gentleman now blamed the Government for having sent to the Cape. But the question immediately before the Committee was the policy of the Government in encouraging the soldiers of the German Legion to go to the Cape. He would in a few words remind the Committee of the circumstances under which that encouragement was given. During the war with Russia it was necessary for the Government to get soldiers wherever they could find them, and, among others, the men of the German Legion were enlisted in our service. Peace was fortunately signed before the German auxiliaries were called upon to fight; but he had been assured by those who were competent to form an opinion on the subject, that if the war had been continued they would have been found worthy to co-operate with the troops of England. The Government had entered into certain engagements with them, and it was both just and expedient that they should be dealt with in a liberal spirit. One of the engagements was to send the officers and men of the Legion, or as many of them as chose to remain under the protection of the British Government, to the North American colonies. He doubted whether sending them in great numbers there would have been the most useful measure that could have been adopted, either to the colonies or to the men themselves. The Government thought they could better dispose of them in another British colony. They considered the circumstances of the Cape, and how important it would be to have there a body of men trained to the use of arms and accustomed to act together as soldiers, who might be at once useful colonists and serve for the protection of the frontier. It had been asked, if they wanted military colonists, why did they not send English soldiers? That was a natural and popular observation to make, and it might, no doubt, have been possible for the Government to pick out a few men from different English regiments and send them to the Cape as mere colonists, and probably not colonists of the very best description; but that would not have served the same purpose as despatching thither a body of men under their own officers who had been disciplined and trained together, who went out as a regiment, and who were therefore in every way fitted to discharge the duties of military settlers.

Mr. ADDERLEY had no wish that English soldiers should be sent to the Cape as military settlers. What he said was, that if the Government wanted soldiers, let them send soldiers; if colonists, let them send colonists.

Mr. LABOUCHERE continued. The hon. Gentleman seemed to think it a great objection to the plan adopted by the Government that it was readily and gratefully accepted by the Cape colonists. Most persons, on the contrary, would regard that as a great advantage, and when the Government were able to act justly towards those with whom they had entered into engagements, and at the same time to do a thing exceedingly acceptable to a British colony, and calculated to add materially to its means of defence, while it relieved us from the necessity of maintaining a large military force at a great distance from home, they were bound to give the experiment a fair trial. But, said the hon. Gentleman, the measure had been a most extravagant one in point of expense. Now, the entire cost, as near as it could be calculated by the War Department, might be stated at £205,000. From that sum must be deducted the £60,000 which would have been expended under the original engagement in carrying the Legion to British North America, and also 80,000 which had been voted in two sums by the Cape colonists towards defraying the expense of establishing the men on their frontier. He was not sure whether the whole of that £80,000 which was contributed under the supposition that a greater number of men would be sent out would be received or not, but his belief was that it would. Thus, without taking into calculation that which the Government mentioned as likely to be available from the increased value of land in the neighbourhood of the military settlement, it would be seen that the ultimate expense to the mother country would be little more than £60,000. He did not believe that an extravagant bargain had been made with the German Legion. The transaction was in every respect perfectly justifiable; it was honourable to England, was calculated to add materially to the strength and prosperity of the Cape, and he hoped would receive the approbation and sanction of the Committee.

MR. REBOW said, that 6,000 men belonging to the German Legion were quartered in his neighbourhood at Colchester, and exercised almost daily for six months in his park. He had great satisfaction in stating that, in his own opinion, and in that of the magistrates of Colchester, nothing could be more exemplary than the conduct of these men as long as they remained under the direction of their officers. He had been assured by the colonels of the different regiments that all the soldiers would willingly have gone to the Cape, such was their desire to serve the British Crown.

MAJOR STUART WORTLEY said, that nobody seemed to know whether the German Legion had gone to the Cape as soldiers or colonists. Such hybrids never had answered and never would. The probability was that if peace continued, their discipline would be relaxed. They would be disbanded, and would take service with the Dutch Boers. They would be in Boerland when they were wanted, and we should in the hour of danger derive no advantage from them. But the men were now out; being out, houses must be found for them; and he must say that, after looking over the Estimates, he did not think the sum asked for was extravagant for the purpose. That being so, would the Committee be justified in refusing to agree to this Vote because they thought that the original policy of the Government was erroneous in sending them out?

MR. HENLEY said, the gallant officer had, he thought, set before the Committee the difficulty in which they were placed. The men had been sent out to the Cape by the Government; there they were, and we must keep the engagement we had entered into with them. The right hon. Gentleman the Secretary for the Colonies had dwelt upon the difficulty which the Government experienced in collecting these so-called well-trained foreigners during the war with Russia. And what was done with them when they were collected? They were sent down to the park of the hon. Gentleman opposite (Mr. Rebow), who became highly delighted with them. They were kept there in training so long that not a soul of them ever had an opportunity of getting sight of a Russian. The Government were so chary of these men that they seemed to keep them in training for the amusement of the hon. Gentleman opposite.

MR. REBOW was understood to say, that a portion of them were sent to Turkey.

MR. HENLEY: They were kept as a sight for the nursery maids of Essex. The Government, however, entered into an undertaking with them to send them to the Cape of Good Hope, and he should be the last man to urge that faith should not be kept with them; but he never could understand why our own soldiers were not treated as liberally as these foreigners. He did not believe that they would ever repay us for our expenditure upon them. The right hon. Gentleman (Mr. Labouchere) had told them that the elements of calculation with respect to this Vote were very uncertain, but it most unfortunately happened that the elements of payment were quite certain. He wished to be informed whether the pay of these men was to be the same in peace as in war.

Mr. LABOUCHERE believed that the payment was fixed. If called out at all, they would be called out as colonial troops, and be paid by the colony.

Mr. HENLEY; The men might get a taste for fighting, and it was possible that, as they were to be paid for fighting, they might enter into an arrangement with the Kafirs to keep fighting. He hoped his hon. Friend would not divide the Committee.

Viscount PALMERSTON said, it was very easy to make a joke out of anything, and the right hon. Gentleman (Mr. Henley) notwithstanding his very grave and serious look, generally contrived somehow or other to throw a good deal of jocularity into his argument; but really his last supposition—namely, that the German Legion might enter into an arrangement with the Kafirs to fight with them in order that their pay might be increased—was one which he was surprized to hear made with a serious countenance. They must be not only very good soldiers, but better logicians, and even more persuasive than the right hon. Gentleman himself, if they could succeed in making such an arrangement with the Kafirs. It was all very well to treat lightly the measures taken by the Government during the last war to increase the amount of the disposable force of the country. It was impossible to obtain British-trained soldiers. All that could be got were got. These foreigners, then, were enlisted into the British service, and notwithstanding the right hon. Gentleman's jocose allusions to the hon. Gentleman (Mr. Rebow) and his nursery-maids, there could be no doubt that, if the war had continued, they would have done excellent service to the country in whose ranks they were enlisted. A part of them had been sent to Constantinople, and the rest would have followed, had not peace been made, in the spring. At the moment when the war ended, there was great anxiety at the Cape lest there should be another outbreak by the Kafirs, and it was thought very expedient to send these Germans out there in the combined character

Mr. Henley

of colonists and soldiers, to assist in the defence of the Cape. Then the right hon. Gentleman said the Government ought to have sent English soldiers instead. But many of the soldiers who were discharged upon the reduction of the army were men who, for various reasons, were unfit for military service, and would not have made good colonists, while those who were discharged from the service, not being invalided, naturally preferred returning to their families and occupations to leading a wild life in an unsettled part of the Cape. With all deference, therefore, to the right hon. Gentleman, and passing by the jokes he had been pleased to cut upon this subject, he (Viscount Palmerston) thought the Government were perfectly justified in resorting to this system of colonization for the purpose of adding to the defence of the Cape. The people in that colony were all of this opinion, and he had yet to learn that the result would not be such as to justify the measures which they had thought it expedient to adopt. Whether the Government were right or wrong, however, he agreed with those who had pointed out that the thing was done, and that it would be quite preposterous now to deprive these men of the means of settling themselves in their houses at the Cape. He believed the Government were perfectly right in what they had done; but even those who thought differently could not, he imagined, with any consistency, cut off a sum intended to promote the comfort and well-being of men who were now actually at the Cape, and who had gone there on the faith of the promises made to them.

Mr. WHITESIDE suggested that the arrangement would have been more perfect, had the Government made a settlement in the shape of pin-money upon the ladies who accompanied the German Legion. It should be remembered that, while they were making this magnificent arrangement, the Government were stripping militiamen of their trousers, and turning them adrift without a sixpence. The best argument in favour of the colonization of the Cape by the German Legion was, he thought, that we had got rid of these men.

Mr. ADDERLEY said, he did not think this was a matter for jocularity, and he must repudiate the doctrine that a Minister of State might involve the country in the expenditure of £1,000,000 upon an experiment, the success of which, as the House had been told, was very problematical, although this House had never been consulted in any way; and that when, for the first time, the Bill was laid before them, they were to be told by Ministers that the thing was done, and that it was too late to complain. Whatever jokes might have been passed on both sides of the House on this subject, he did not think the country would look upon it as a very joking matter. He proposed to divide the Committee, not in order to undo the mischief which had been done already, but to put a stop to future mischief. The Government had undertaken to keep this German Legion, not only for three years in our actual pay, but for four years more. Now, he wished to stop this experiment, and save the country from any repetition of it. Supposing the settlement failed (and there seemed every chance of its failing), we should have it on our hands for ever. These men might surely build cottages for themselves, or the colony might build them.

Mr. LABOUCHERE denied that the Government were chargeable with having taken the House by surprize on this question. It was perfectly notorious in the House, and through the country, that it was the intention of the Government to send the German Legion to the Cape; and if that was the intention, as a matter of course it could not be carried out without considerable expense.

Colonel GILPIN said, he thought the right hon. Secretary for the Colonies was not correct in saying that the House had not been taken by surprize, because late in the Session of 1856, in answer to a question put to him, the noble Lord at the head of the Government said that, whatever the conduct of the Government was, it would be in accordance with the law and propriety. Now, he did not think that the Government had acted in accordance with the law, which only bound them to give to the German Legion a year's pay, and a free passage to the colony.

Lord JOHN MANNERS begged to ask the right hon. Gentleman whether it was a part of the understanding with the German Legion that they should have a large sum of money expended upon the buildings in which they were to be placed after arriving at the Cape?

Mr. LABOUCHERE said, that all the details of this arrangement had been laid upon the table of the House among the papers connected with the German Legion. He believed they did include this provision for buildings mentioned in the Estimates.

Viscount PALMERSTON could state positively that it was part of the arrangements with the officers and men that certain sums should be allowed them for the erection of their houses when they got to the Cape.

Sir JOHN WALSH hoped the hon. Gentleman (Mr. Adderley) would not divide the Committee. Though it had been pretty well established that the bargain entered into by the Government was, in many respects, an improvident one, yet the faith of the country had now been pledged to this bargain, which could not therefore be violated without casting a slur upon the national honour.

Mr. ADDERLEY said, he would withdraw his Amendment, as the sense of the Committee appeared to be against it; but gave notice that he should take an early opportunity of taking the sense of the House upon the policy of the Government.

Motion, by leave, *withdrawn.* Original Question put, and *agreed to.*

(3.) £36,282, Volunteer Corps.

Sir JOHN RAMSDEN, in reply to a question, said it was the intention of the Government to call out about one-third of the militia in the present year.

Colonel GREVILLE wished to know whether the men would receive £6 bounty whether called out for training or not, and whether any alteration would be made in the remuneration allowed to the surgeons?

Viscount PALMERSTON said, that the militia formed no part of the charge in the present Estimates. When the militia was embodied, it was under the direction of the Commander in Chief, and formed a part of the army expenses. But when it was disembodied, it did not form a part of the Army Estimates. The estimate for that branch of the service was framed by a Committee of the House appointed for that purpose. That would be done later in the Session, and it would be more convenient to postpone any discussion relative to the details of the militia service until the Vote came regularly before the House.

Vote *agreed to.*

(4.) £122,909, Secretary of State for War, and Commander in Chief.

Mr. W. WILLIAMS complained of the expense of this department.

Sir JOHN RAMSDEN said, that an

extra staff of clerks was at present being kept on to wind up the war accounts, but as soon as they were wound up, which would probably be this year, the expense of the Department would be very much reduced.

Vote *agreed to.*

House resumed. Resolutions to be *reported* on *Thursday.*

Committee to sit again on *Friday.*

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL.—COMMITTEE.

Order for Committee read.

MR. WHITESIDE appealed to the hon. Gentleman the Attorney General for Ireland not to proceed with this Bill at that late hour (twelve o'clock).

MR. J. D. FITZGERALD said, that there were thirty unopposed clauses which he was anxious to pass through Committee; after they were agreed to he would consent to report progress. He moved that the Speaker should leave the chair.

Motion made, and Question put, "That Mr. Speaker do now leave the Chair."

The House *divided :*—Ayes 121; Noes 67: Majority 54.

House in Committee.

MR. J. D. FITZGERALD said, he had not thought that there would be any opposition to the early clauses of the Bill, but as he had understood that such was not the case, he would not proceed with the Bill that evening. He wished, however, to mention that, from having yielded to repeated solicitations, he had postponed the Bill from time to time last Session until it was too late to send it up to the House of Lords, and his object in pressing the Bill into Committee had been to advance it a stage.

MR. WHITESIDE said, that if the Bill were fixed for consideration at a proper hour, he would afford every assistance; but he objected to a Bill containing so many clauses being entered into at an hour of the evening too late to consider its details properly.

House resumed.

Committee report progress; to sit again on *Friday.*

MINISTERS' MONEY BILL.

POSTPONEMENT OF COMMITTEE.

Order of the Day that the House do go into Committee on this Bill, read.

VISCOUNT PALMERSTON said, the Government intended to adopt the suggestion of his noble Friend behind him (Lord J. Russell), and to take charge of this Bill; and if there was no objection on the part of any hon. Member, he would now propose to go into Committee upon the Bill.

MR. HAMILTON said, it was very material that the House should know, before it proceeded with the Bill, what was the real state of the case with regard to the property and funds in the hands of the Ecclesiastical Commissioners in Ireland. Some Returns on the subject for which he had moved would be laid before the House in a few days, and he believed they would show that there had been a serious mistake in the representations of some hon. Members. He therefore thought it would not be desirable to go into Committee until they were in possession of those Returns.

VISCOUNT PALMERSTON assented.

Committee deferred till *Thursday.*

House adjourned at half-after Twelve o'clock till *Thursday.*

HOUSE OF LORDS,

Thursday, May 28, 1857.

MINUTES.] *Took the Oaths.*—Several Lords; The Lord Arundell of Wardour took the Oath prescribed by the Act 10 *Geo.* IV., to be taken by Peers professing the Roman Catholic Religion.

PUBLIC BILLS.—2ª Sale of Poisons, &c.; Transportation and Penal Servitude.

PREACHING IN EXETER HALL.

VISCOUNT DUNGANNON said, he wished to put a question on a subject of very great importance to the right rev. Prelate who presided over the diocese of London. A paragraph had appeared in the public papers which stated that certain evening discourses were being delivered in Exeter Hall on successive Sunday evenings by right rev. Prelates and other dignitaries of the Church of England, and that the first of these services began on Sunday evening last. Paragraphs had also appeared containing announcements which he could not but consider offensive to churchmen. In some cases these paragraphs were headed, "Extraordinary movement in the Church." "Spurgeonism in the Church of England," and so on. Some persons were of opinion that this was not for the interests of the Church, and that it was calculated to introduce a sort of Spurgeonism into the Church of

England. That hall was very much used for public religious meetings, and for secular matters also, but he was not aware that it had ever been consecrated or set apart for Divine worship. The case was a new and singular one, and he must say, such as he had never heard of before in connection with our Church. He should be glad to hear from the right rev. Prelate, whether these meetings take place with his sanction, and whether they are in strict conformity with the practice and discipline of the Church. No doubt the right rev. Prelate was better informed on such matters than he could possibly be; but, considering that these services take place in an unconsecrated building, he could not help calling his attention to them, and should wait for his reply with some anxiety. The question he had to put was, whether these proceedings had the approval of the right rev. Prelate, and whether he considered them to be strictly in conformity with the rules and discipline of the Church?

THE BISHOP OF LONDON: I am not aware that the noble Lord is exactly in order in putting this question, but at the same time I am quite ready to give whatever information is in my power to the noble Lord. I may state to the House that I believe there is no doubt whatever that such a meeting as he has described did take place in Exeter Hall last Sunday evening, and also that it is the intention that such meetings shall be continued for several successive Sundays. I am not aware what paragraphs the noble Lord alludes to as having appeared in the newspapers on this subject, and therefore it is impossible for me to say how far the statements in those paragraphs are, or are not, strictly in accordance with fact. I must say, however, that I believe the request which was made to me, that two right rev. Prelates of the Church, two learned and reverend Deans, and several other clergy should on successive Sunday evenings address the assembled people in Exeter Hall, is strictly in accordance with the Act which I hold in my hand, and which is entitled "An Act for the better securing of the liberty of religious worship," in which it is provided that among the cases in which such addresses may be made, are meetings similar to those now taking place in Exeter Hall. The Act provides that assemblies for religious worship held in any building or place not usually appropriated to religious worship are legal. That Bill was brought in by my noble Friend (the Earl of Shaftesbury), and it was the very intention of the Bill that such addresses and such meetings as the noble Lord has referred to should be allowed. I will also, if permitted, state that not only do I consider these meetings to be strictly legal, but that they are in the highest degree expedient. I believe from my heart, that there are thousands upon thousands of people in this metropolis and other large towns, of whose condition your Lordships are pained to hear, who have not entered a place of worship for many years. I believe that some such persons were attracted to the meeting to which the noble Lord has alluded, and I fondly trust they were not brought there without receiving benefit. I believe that those who are conducting these meetings have most earnestly at heart the welfare of the labouring classes of this country; and there is every reason to hope that by bringing those classes together where they will hear the Word of God and the sacred services of our Church in such places as these, it will ultimately make them—what at present they are not—habitual worshippers within the walls of our churches.

LORD KINNAIRD said, although the question put to the right rev. Prelate was an unusual one, he was not sorry it had been put, as it had elicited such an expression of opinion with regard to the meetings in question as their Lordships had just heard. He was most glad to hear that these meetings had not only his sanction, but his cordial approval. He could confirm what the right rev. Prelate had said with regard to the necessity for such meetings. There were thousands in the metropolis, and indeed in almost every large town in the country, who never entered the house of God from year's end to year's end; and such persons could only be approached by means of domiciliary visits from missionaries and Scripture readers, and of meetings such as that held in Exeter Hall on Sunday last. He thought it a matter greatly to be regretted that while they had seen year after year crowded gatherings of working men in Exeter Hall and other large buildings listening to the sound of the Gospel from the lips of ministers who did not belong to the Church of England, that the Church of England, in which there were ministers as eloquent, and as earnest, and as capable of impressing a crowded assembly as any to be found out of its pale, had not come forward for the same purpose. To his mind it appeared a subject for rejoicing to the members of the Established Church, that these meetings in Exeter Hall had been commenced. He was himself present last Sunday, and saw assembled not less than 4,000 persons; and, whereas many meetings of that sort were composed, to a great extent, of the female sex, he was happy to say that on that occasion fully one-half of those present appeared to be working men. Many men of that description did not like, on account of the inferiority of their dress, to attend well-filled and luxurious churches; but on this occasion numbers of them were present. All of them, as they entered the hall, had a copy of the beautiful liturgy of the Church placed in their hands, and that they duly appreciated it was evident from the earnest manner in which they joined in the responses. Never did he witness a more striking scene than when, after having listened most attentively to a heart-stirring address from the right rev. Prelate who addressed the meeting, the whole assembly rose at the conclusion of the service and joined in a hymn of praise to their Creator. A similar movement to this had been commenced in Scotland, and had been attended with excellent results. He must again express the pleasure with which he had witnessed the commencement of this movement; and now that such eminent members of the Church of England had taken the matter up, he sincerely hoped it would lead to a good and happy result, and he would congratulate the country on having a Prelate to preside over this diocese, who felt it his duty to countenance the movement.

THE ARCHBISHOP OF CANTERBURY rose, and was proceeding to address the House, when

LORD FEVERSHAM, who had risen at the same time, began to state the prayer of a petition which he was about to present, amid loud cries of "Order!" and calls for the most rev. Primate.

LORD CAMPBELL then moved that leave be given to the Archbishop of Canterbury to address the House.

THE EARL OF ELLENBOROUGH, as a matter of order, objected that there was no question before the House upon which such a Motion could be based.

EARL GRANVILLE submitted to their Lordships that the right rev. Prelate should be allowed to speak upon a subject so interesting to himself.

THE ARCHBISHOP OF CANTERBURY said, he thought the question put by the noble Viscount (Viscount Dungannon) had been fully and completely answered by his right rev. Brother; and he therefore merely wished to say, that he entirely concurred that it was for the good of the Church that such meetings should be held. He would only just ask the noble Viscount, who was, he was certain, anxious for the welfare of the Church, whether it would be wise, even were it possible, to check what he called these innovations? He could not imagine that any greater reproach or disparagement could be cast upon the Church, than to suppose it was incapable of accommodating itself to the changing necessities of the age, or allowed its dignity to interfere with its usefulness?

LORD FEVERSHAM then presented his petition.

SALE OF POISONS BILL.

SECOND READING.

PRESENTATION OF PETITION.

EARL GRANVILLE moved the second reading of this Bill, and in doing so suggested that, as there was a considerable amount of business upon the paper, their Lordships should assent to the second reading now without discussion, in which case he would reserve his statement until the period for going into Committee, at which time the merits of the Bill could be fully discussed.

THE EARL OF DERBY hoped it would be understood that in agreeing to the suggestion of the noble Earl the House would not be considered as committing itself to the Bill.

EARL GRANVILLE said, it was understood that the whole discussion should be open upon going into Committee.

THE DUKE OF CLEVELAND complained that the discussion which had followed the question of the noble Viscount (Viscount Dungannon) had exhausted the whole period allowed for the presentation of petitions, and consequently that which he had to present, which was of a highly important character, could not be laid before their Lordships.

THE EARL OF ELLENBOROUGH said, that all those noble Lords who had petitions to present might do so on the Order of the Day being read to which they referred.

EARL GRANVILLE thought blame ought not to be cast upon an individual Peer for following what had become the practice of the House. It was no doubt inconvenient that the time set apart for the presentation of petitions and the asking of questions should be consumed by a debate, and he hoped their Lordships would agree in future to avoid doing so. At the same time he thought the noble Lord (Lord Kinnaird) had been justified by what had become a practice in that House.

Bill read 2ª, and *committed* to a Committee of the whole House on *Thursday* next.

SHEPHERD'S DISABILITIES REMOVAL BILL.

SECOND READING.

LORD REDESDALE *moved* that the Bill be now read 2ª.

THE EARL OF SHAFTESBURY objected, as he did not know what the Bill was, none of their Lordships having seen it.

LORD REDESDALE was understood to state that the Bill was intended to enable the Rev. Mr. Shepherd, who had been ordained in the American Episcopal Church, to hold an English benefice.

THE EARL OF SHAFTESBURY said, that by the Act of 1792 a minister ordained by the Episcopal Church of Scotland could not hold any benefice in England. He believed the same provision applied to clergymen ordained in America. The reason for that prohibition was, that clergymen ordained by the Episcopal Church of Scotland did not subscribe to the three Articles set forth in the 36th Canon, one of which was the admission of the Royal supremacy in matters ecclesiastical. If a *privilegium* were granted to Mr. Shepherd he would hold a benefice in England without being required to recognize the Royal supremacy.

THE BISHOP OF BANGOR remarked that that could not be so, as any clergyman appointed to a benefice must subscribe to all the oaths required by the canon.

THE EARL OF SHAFTESBURY said, what he wished was that all clergymen who held benefices in England should subscribe to the same Articles. He believed that the present Bill proposed to admit a gentleman to hold a benefice in England without these conditions, and therefore he would oppose the Second Reading.

LORD CAMPBELL suggested that if it were right to allow clergymen belonging to the Episcopal Church of Scotland in America to hold a benefice in England, a general law should be passed on the subject.

LORD REDESDALE said, that the present Bill only empowered the person to hold a benefice; if he should be presented to one, he would, on admission, be subject to the same requirements as a clergyman in English Orders.

THE EARL OF SHAFTESBURY observed that the particular person ought to hold his benefice at least upon the same footing as an Anglican clergyman.

THE BISHOP OF CHICHESTER believed that the object was secured in this Bill by another way—by taking the oath of supremacy.

THE ARCHBISHOP OF CANTERBURY said, that every case of this kind ought to be very carefully considered, and not governed by precedents. But having been informed of the particulars of the case to which the Bill related, he did not think that in that instance there could be any objection to doing what was desired.

LORD KINNAIRD said, he considered it almost impossible for ministers ordained in the Episcopal Church of Scotland conscientiously to accept a living in England. Having paid attention to the subject, he thought that permission to do so should only be granted in very exceptional cases.

THE EARL OF SHAFTESBURY begged to give notice that he should move that the Bill be referred to a Select Committee, who should consider whether or not it was desirable that some general measure on the subject should be introduced.

Motion *agreed to;* Bill read 2ª, and *committed.*

PROBATES AND LETTERS OF ADMINISTRATION BILL.

REPORT.

Amendment *reported* (according to Order).

EARL STANHOPE said, he cordially approved the general scope of the Bill, but had the strongest doubts as to one of the Amendments made in Committee. By Clause 37, as it originally stood, the right of appeal in testamentary causes was to the Judicial Committee of the Privy Council. By the Bill, as altered in Committee, that right of appeal was transferred to the House of Lords. Now, he doubted whether the House of Lords, regarded as a Court of Appellate Jurisdiction, was so perfect, so free from all error or defect, as to justify them not only in continuing the existing system, but in increasing the number of causes brought before it. The defects of the House as a Court of Appellate jurisdiction were felt on all sides last year—a feeling consistent, with the greatest possible respect for the noble and learned Lords who, with so much honour and credit to themselves, administered the jurisdiction—and their Lordships sent a Bill to the other House to remove those defects, which Bill it did not please the other House to pass. Therefore, whatever defects then existed still remained; there was no change in that respect. Moreover, it was admitted that the time of the House as a Court of Appeal was fully occupied by other business; and, therefore he doubted whether it was politic or just to transfer the right of appeal in testamentary causes from the Judicial Committee to the House of Lords. If it should please their Lordships to adhere to the Amendment, he thought it would be incumbent upon them to appoint a Select Committee next Session to inquire whether, not by legislation, but by the exercise of their own powers, it might be possible to place their appellate jurisdiction on a more satisfactory footing than at present.

THE EARL OF MALMESBURY wished to make a few remarks with regard to the position of the proctors in relation to this measure. It appeared from a statement laid before him by a deputation from that body, which had recently waited upon him, that the entire probate duty paid throughout the country during the last year was £990,000, of which £750,000 was levied in London, and that the result of the measure, so far as the proctors were concerned, would be to reduce their profits from about £90,000 a year to £15,000. Many of these gentlemen had entered into partnership agreements, and depended for their fulfilment on the retention of their professional emoluments. There were, for example, agreements between two proctors, each of whom agreed that if he outlived the other he would pay a certain amount to the survivor's wife or children. Such an arrangement would be rendered impossible by the loss of their profits. He wished to ask the noble and learned Lord on the woolsack whether, taking into consideration the position of these gentlemen, with whom no fault had been found, it was not fair that some compensation should be given to them and to their articled clerks, who had each paid £800 to £1,000 for their position.

THE LORD CHANCELLOR said, that the gentlemen to whom his noble Friend had alluded had waited upon him also, and he could entirely confirm the statement of his noble Friend that they were themselves persons of great respectability, and that they represented a most respectable body. In the case of all reforms, it unfortunately happened that what was for the general good must inflict some hardship on particular individuals, who had profited, and not improperly profited, by the system which was about to be overturned. That was a necessity incident to all improvements; and the question where compensation should be given or should be withheld for losses of that kind was always a very difficult and painful one for the person who had to decide it. He was one of those who thought that in order to promote the cause of reform it was very desirable that the Legislature should be liberal in the course it adopted upon these occasions, for he believed that the feeling that they were acting harshly to individuals often stopped useful reforms; and, therefore, if he could see his way honestly and fairly to a recommendation that compensation should be given to those gentlemen, nothing would give him, personally, greater satisfaction than to offer that recommendation to their Lordships. But he could not conscientiously take that course. He believed that all persons who held public offices and whose offices were to be abolished had, *de facto*, a fair claim to compensation; but he could not admit that there existed a similar right to compensate a whole profession because they would lose a portion of their professional emoluments in consequence of an alteration in the law which it had been found desirable to effect. If compensation were granted in the present instance it would be necessary to appoint Commissioners, who should examine each proctor's books for the purpose of ascertaining the amount of his profits, and who should afterwards have to determine what portion of those profits would be lost under the change in the mode of conducting the business of the profession. It would be impossible to bring any such labours to a satisfactory issue. It could not be done even if it were reasonable. But it would be unreasonable to take that view of the justice of the case. There was an obvious distinction between compensating officers removed from public situations, and compensating private individuals because the adoption of a social improvement would diminish the necessity for their services.

He did not think that these gentlemen had as strong a claim to compensation as other parties whose right to such an advantage had been denied by the Legislature. In the present case the professional men who petitioned their Lordships had not so much claim as had been supposed, for the Bill would leave them all the "common form" business—in other words, exclusive practice in ninety-nine out of every 100 cases. It was true that he had been told by one gentleman that the litigated business formed one-third of the practice of the proctors; but that statement was entirely at variance with the information he had received from other quarters. There were but thirty or forty litigated cases in a year, but in the same time there were nearly 30,000 wills and administrations. Under these circumstances he could not think that those parties had any right to compensation. They would receive under the Bill all the advantage which the Commissioners recommended should be extended to them, for they would be left, as long as it should be found expedient, a monopoly of the non-contentious business; and he was convinced that was all their Lordships could do for them.

LORD WYNFORD instanced the more liberal manner in which another class of practitioners were to be treated under the 96th clause, compensation being guaranteed to the office-holders in the different episcopal courts throughout the country. A great many of those offices were held by persons who had never practised in any court whatever.

THE LORD CHANCELLOR said, he intended by an alteration of the 96th clause in the Bill to restrict compensation, unless in the case of persons who held offices for life, to persons who had actually discharged duties.

LORD WYNFORD said, the statement of the noble and learned Lord was satisfactory as far as it went; but a great many of those who would still be compensated had been appointed since Acts of Parliament had passed, warning them that if they accepted such appointments they would not be entitled to compensation. It seemed to him rather a strong measure to give compensation to them, and to refuse it to the hardworking and expensively educated class of persons, whose case had just been brought under the notice of their Lordships.

LORD ST. LEONARDS said, he thought that the greater number of the officers alluded to by the noble Lord were barred from compensation. The Act the noble Lord alluded to was passed about twenty years ago, and provided that no person subsequently appointed to any office in the ecclesiastical courts, except the Prerogative Court of Canterbury, should have a vested interest in their appointments so as to be entitled to compensation. About ten years ago another Act passed, withdrawing the exception of the Prerogative Court of Canterbury, and, as to future appointments, placing the officers of that court on the same footing as the officers of other ecclesiastical courts. In order, therefore, to give compensation under this Bill, it would be necessary to repeal those Acts. He objected to the compensation clause in the Bill. The noble and learned Lord on the woolsack wished the matter to stand over, and had to-night stated his intention to make some alteration. He should wait to see the alteration of the noble and learned Lord before giving any opinion upon the subject. The only argument in favour of giving them compensation, notwithstanding the provision of these Acts, was that they had held their appointments for so long a time that it would be cruel to deprive them of them without compensation. But as to office-holders having a better claim, because they had been so long in the enjoyment of their offices, he thought that argument was on the other side of the question. They took office with Acts expressly denying them compensation, and with the expectation that the courts would soon be remodelled. If from circumstances the alteration had been postponed for ten or twenty years, instead of taking effect within a short period of their appointment, they had by so much enjoyed greater benefit than they anticipated. It might be true, however, as was stated by thirty-nine of the parties to the petition he had presented, that when they took office they were not aware of the existence of the Acts referred to.

THE BISHOP OF CHICHESTER was understood to point out the mode in which the Bill would affect the business and emoluments of the officers of the district Consistory Court of Chichester, but was inaudible.

THE EARL OF DONOUGHMORE wished to trespass on their Lordships for a few moments while he called attention to the claims of the proctors to compensation. The body of proctors had existed for over 600 years, and every Commission which had sat on the subject of testamentary jurisdiction reported that they had performed their duties with advantage to the public, and admitted that if the practice of the court was thrown open their claim to compensation was irresistible; in point of fact, the Government of which the noble and learned Lord was a Member had admitted their claim, as the Bill which they had introduced into the other House in 1855 provided for giving them compensation. The Bill now under discussion did not, indeed, in terms abolish their business, but did so in effect; as all non-contentious business under £1,500, which formed 79 per cent of the whole, was withdrawn from them. By a clause in the Act of George III. proctors were forbidden to enter into partnership with solicitors: the Bill proposed to repeal that clause, the effect of which would be to deprive the proctors of a portion of their reduced profits; not content even with that, the Bill authorized the Judge of the Court of Probate to admit any person he chose to practise in his court. The proctors had been at great expense in obtaining admission to their profession, and now it was proposed to expose them to the invasion of 10,000 solicitors. Did the noble and learned Lord wish to abolish the order of proctors altogether, and so deprive the country of services which were so valuable in the litigation arising in time of war? He (the Earl of Donoughmore) was as anxious as any person to see the testamentary jurisdiction placed on a better footing; but that might be done without destroying the proctors; and, he trusted the Government, in adopting measures for the furtherance of so desirable a reform, would not overlook the just claims to compensation of a most efficient and responsible body of men.

Lord WENSLEYDALE said, he would not object to give the proctors the exclusive right of conducting contentious suits.

The Marquess of WESTMEATH said, that the proctors ought to congratulate themselves upon having been able to retain their monopoly so long, and he for one could not recognize in their case any just grounds for granting compensation. Whenever any object was to be effected for the benefit of the great mass of the people, some particular class generally suffered, and he hoped that the noble and learned Lord (the Lord Chancellor) would consider the public, and persevere with the Bill, which had his hearty support.

The Earl of Donoughmore

Further Amendments made; and Bill to be read 3^a on *Friday* the 5th of *June* next.

DIVORCE AND MATRIMONIAL CAUSES BILL—COMMITTEE.

Order of the Day for the House to be again put into Committee read.

House in Committee accordingly.

The Bishop of OXFORD asked permission, before the discussion on the proposition to abolish the action of damages for criminal conversation was resumed, to move the following proviso at the end of the 43rd clause—

> "Provided, nevertheless, that, inasmuch as by the law of this Realm and Church the bond of marriage hath hitherto been indissoluble, no clerk in holy orders of the Church of England shall, after the passing of this Act, be liable to any censure, penalty, or punishment whatever, in any court, ecclesiastical or civil, for refusing to perform the marriage service over any person or persons who, having been married and divorced, shall seek to be married again during the lifetime of the husband and wife from whom they have been divorced under the provisions of this Act."

The right rev. Prelate said that his reason for proposing this clause was, that by the previous clauses the Bill materially altered the relations previously existing between the law of the land and the law of the Church. By the law of the Church the marriages in question could not be solemnized; and it would be a case of hardship to compel clergymen who held conscientious objections on the subject to be agents in the solemnization of them. Some clergymen did not feel any difficulty in the matter, and, besides, there were other means by which the marriages might be solemnized, and he asked that the proviso might be introduced, in order that no clergyman should have his conscience infringed by being compelled by the law of the land to perform certain services which by the law of the Church he felt he could not perform.

The LORD CHANCELLOR said, he could not conceive anything more scandalous than that while some clergymen solemnized these marriages, others should be allowed to decline to do so on the ground of conscientious objections. This was a case which in more than one form had already been under their Lordships' consideration, and their Lordships had always agreed that the objection was one which could not be listened to. It was an objection, too, which might equally have been urged in respect to all cases of *privilegium.*

The Earl of CARNARVON said, he thought it was not so much the liturgy of the Church of England as the canon law that was in issue in this case. The ecclesiastical law, based on the canon law, held that marriage was indissoluble, and to that ecclesiastical law the clergy were solemnly bound. Now, for the first time, a Bill was framed which allowed marriage to be dissolved. It seemed, therefore unfair and ungenerous in Parliament to place the clergy under the operation of laws which were at variance with each other. The clergy were excluded from any other profession, and now, for the first time, the conditions on which they accepted the sacred office were changed by an *ex post facto* law. The question was merely one of degree; but suppose that the Bill had gone one step further, and that it granted a divorce *à vinculo* in the case of incompatibility of temper, would it then have been contended that the clergy, despite their consciences, were to marry again persons so separated? He would not enlarge upon the principle involved in the Bill, because the House had already assented to it; but he believed that its tendency would be to multiply the desire for divorces, guard against it as they would. At all events, he entreated their Lordships not to make the execution of the principle of the measure press unjustly on one particular class of the community.

Lord CAMPBELL said, he should be sorry to support any clause which should grieve the consciences of any portion of the clergy, but he regarded this clause as of a most alarming character, for it introduced the principle that there might be a law of the land which all persons were not bound to obey. See what might result from these so-called conscientious scruples. Let their Lordships remember that there were persons who had "conscientious objections" to the payment of tithes and church rates; and if right rev. Prelates set up conscientious scruples as a ground for disobeying the law of the land, they might find that church rates would altogether fail, and that tithes might follow in the same way. It had been said that by a canon of the Church marriage was indissoluble. He could only say that if there were such a canon he was not aware of its existence; those who compiled the *Reformatio Legum* were not aware of its existence, and none, as far as he knew, had been passed since; but, even if it did exist, no canon of the Church could be set up in opposition to the law of the land. There had been hundreds of instances in which the *vinculum matrimonii* had been dissolved, and such a proviso as was now demanded had never been asked for before. It appeared to him that the proposition was a mischievous one, and he should therefore vote against it.

The Bishop of BANGOR said, he had always felt great compassion for those who were labouring under what they deemed to be conscientious scruples; but he believed it to be an erroneous conception that the clergy, in such a case as this, could be held to be labouring under any conscientious difficulties. The clergy, in his opinion, had no right to inquire whether any law was according to their own feelings or not, but were bound to act in obedience to the law of the land.

The Bishop of LONDON said, that it was a matter of great importance that this question of the canon law should be cleared up. So far as he was informed, there was no canon of our Church which said that, in the event of marriage being dissolved between persons by a divorce *à mensâ et thoro*, they could not marry again without violating the law of God; but upon the divorce being granted the parties were compelled to enter into a bond that they would not marry again. He believed that was all which our Church said upon the subject. With regard to the ancient canon law, he always understood that it was in our Ecclesiastical Courts regarded as binding only so far as it was not modified by the statute law—therefore he could not acquiesce in the idea that there could be any great difficulty affecting the consciences of the clergy. There was a case, he was informed—that of registered certificates of marriage—in which this sort of liberty had been granted by Act of Parliament to the clergy, that they should not be compelled to accept these registered certificates if they were unwilling to do so. But with respect to this clause he had the strongest objection to the opening words of it, which were as follow—"Inasmuch as by the law of this realm and Church the bond of marriage hath hitherto been indissoluble." These words expressly committed their Lordships to a view in which they were far from being unanimous.

The Bishop of OXFORD said, that the canons of the Church of England provided for one kind of divorce only—

namely, that of a divorce *à mensâ et thoro*—they contemplated no other and in that particular mode of divorce—the only one which was allowed—it was expressly provided that neither of the parties should contract marriage with any other person during the lifetime of either. The ecclesiastical lawyers said that the reason why this provision was introduced at that time was this, that there was a movement similar to the present going on to legislate by statute that which the Church of England did not allow. The Church of England took this additional caution that they would not divorce the parties until they entered into this bond. There was no question whatever about it, and no ecclesiastical lawyer living would tell them that there was any doubt on the point whether by the law of the Church of England marriage were dissoluble or not. It was all very well for persons who were not acquainted with the ecclesiastical law to say that so and so was his opinion, just as a man who knew nothing of the law of mechanics might doubt one of the simplest propositions in it; but he repeated that no decently learned ecclesiastical lawyer would state that the question admitted of doubt in the smallest degree. The voice of the Western Churches on this point was unanimous. It might be right or it might be wrong—that was another thing;—but that it was the ecclesiastical law of the Church of England at the present moment that the bond of marriage was indissoluble admitted, he thought, of no sort of doubt or contest. As for the introductory words to which the right rev. Prelate had referred, he (the Bishop of Oxford) was perfectly willing to give them up. They were only intended to be introductory; but he did think the clergy were put to a very hard condition. The clergy of the Church of England did not bind themselves when they took orders to celebrate marriages such as these, which were directly opposed to the law of the Church; and he thought, in common fairness, such a new burden on their consciences ought not to be imposed upon them. As the law now stood, the numbers divorced were so few that the divorced party wishing to marry again could, if one clergyman refused to perform the ceremony, easily procure another who would perform it; but by the proposed alteration in the law the numbers would be so greatly increased, that those clergy who had conscientious objections to perform the ceremony would constantly be brought into opposition to the law of the land on the subject. Parliament had sanctioned civil marriages at the hands of the registrar, and there was thus every facility for marriage without oppressing the consciences of those clergymen who objected to these unions.

The Bishop of LONDON said, the case of his right rev. Friend was this—that by the law of the Church marriage was indissoluble; therefore any clergyman who had celebrated these marriages, rendered legal by Act of Parliament for the last 150 years, had been violating a higher law which he was bound in conscience to obey. To that he (the Bishop of London) entirely demurred. He believed it was true that the Church of England did not contemplate the dissolution of marriage, but the Church of England was ready to obey the statute law of the land. He moreover objected to the statement that by the law of the Church marriage was indissoluble.

The Bishop of OXFORD had no objection to omit the first words of the proviso, relative to the state of the law; but he would ask his right rev. Friend to produce a decently learned ecclesiastical lawyer, who would not say that marriage was indissoluble by the law of the Church.

Moved, To insert the following clause:—

"Provided nevertheless, that no Clerk in Holy Orders of the Church of England shall, after the passing of this Act, be liable to any Censure, Penalty, or Punishment whatever, in any Court Ecclesiastical or Civil, for refusing to perform the Marriage Service over any Person or Persons who, having been married and divorced, shall seek to be married again during the Lifetime of the Husband or Wife from whom they have been divorced under the Provisions of this Act."

On Question, "Whether the said clause shall be inserted?"

Their Lordships *divided*:—Contents 26; Not-Contents 78: Majority 52.

Amendment *negatived*.

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On Clause 44. (Dissolution of Marriage to precede action for Criminal Conversation.)

THE LORD CHANCELLOR said, that when a Bill similar to the present was referred last Session to a Select Committee great discussion took place upon the question whether the action for criminal conversation should be retained or not. Several divisions took place on the subject, but the result was, that no recommendation was made that the action should be abolished, and the Bill was sent down to the other House with the implied sanction of their Lordships, that on that point the law ought not to be altered. Nevertheless, many objections had been made both in and out of Parliament to the continuance of the action for criminal conversation; and, in considering the most expedient mode of dealing with the subject, which he felt to be one of great difficulty, it appeared to him that the Scotch law was, upon the whole, the best. In England the action for criminal conversation was objected to, and in many instances not unreasonably, on a variety of grounds. It was said, in the first place, that it was extremely hard to make, for the obtaining of a divorce, such an action at the instance of the husband a necessary condition precedent. Although the feelings of the husband might be outraged by the bringing of such an action, yet the law imposed upon him the obligation of demanding damages in a public court of justice in order to entitle him to the only practical remedy within his reach. To the second objection he confessed he could not attach much weight. It was to the effect that the investigation of such cases led to the great evil of scandalous details being naturally, if not necessarily, circulated by the public press throughout the country. That was, doubtless, a misfortune, but one inherent in the nature of the subject if it was to be publicly investigated. The action for criminal conversation was not more exposed to that objection than any other public investigation, involving details of an improper character. On a former occasion a noble and learned Lord gave, as an instance, illustrating the objectionable nature of the action for criminal conversation, the proceedings in the Talbot divorce case. But those proceedings took place not in an action for criminal conversation, but at the bar of their Lordships' House, and were incident to an investigation which, whether at their Lordships' bar in the case of a person suing for a *privilegium*, or before a competent Court according to the provisions of the present Bill, must invariably be made. The same reasoning would exclude actions for seduction and criminal proceedings for rape. In both the difficulty arose from the subject itself, and not from the particular mode in which it might be dealt with. Another objection, pressed with much force by a noble and learned Lord now absent (Lord Brougham) was, that the action was brought by the husband against the adulterer in the absence of the wife, whose character might be irretrievably ruined, without her having had an opportunity of being heard. That was an evil which he did not believe often, if it ever occurred, yet it was one which, when dealing with the subject, they ought to grapple with. He thought that the mode in which he had drawn up the clause entirely obviated the objection, because he did not allow any such action to be brought until a previous proceeding should have established the guilt of the wife. Still it might be asked, "What is the use of retaining the action for criminal conversation?" The first feeling he had upon that point was, that it would be an anomaly in any code of laws to say, that while a gross injury had been inflicted on a man, he should have no remedy against the party inflicting it. An action for criminal conversation afforded some redress, not as a *solatium* for injured feelings, but in the case of persons to whom damages in a pecuniary point of view might be important. The mere cost of obtaining a divorce might form a legitimate ground for an action for damages. But, further, were their Lordships prepared to say that the apprehension of paying large damages had no weight in preventing the commission of the crime of adultery? He believed it had. Again, if they abolished the action for criminal conversation, what did they propose as a substitute? That was the real practical difficulty. His noble and learned Friend opposite (Lord St. Leonards) had given notice of a clause, whereby he substantially enabled the Court to fine the adulterer to the amount of £500, making the crime a misdemeanour.

Lord ST. LEONARDS explained that he proposed to make the fine a Crown debt, empowering the Court to apply a portion of it to the payment of the expenses of the divorce.

The LORD CHANCELLOR said, he had several objections to the proposal of his noble and learned Friend. It would alter the name of the trial, but nothing more. Precisely the same investigation must take place as heretofore. The proposition was at once technically an anomaly in law and highly objectionable in principle. The adulterer was to be tried for a misdemeanour, and yet, with one or two exceptions, such as the Ecclesiastical Titles Act, there was no crime known to our law for which a particular individual alone could prosecute; the prosecution must always be instituted on behalf of the public. Was the prosecution not to rest with the husband? Or, while called a misdemeanour, was it in reality to be an offence which the husband was to have the power of condoning by prosecuting or not as he might think fit? It was said that the action for *crim. con.* was little in accordance with the feelings of the community. The reading of the trial and of the disgusting details was little in accordance with the general good taste of the community; but how could the action be said to be at variance with public feeling when the almost invariable result was to give very large damages to the husband? If juries did not think it a reasonable proceeding, they would give a shilling damages, or mark their sense of its impropriety in some other mode. He knew that there were many views on this subject; but after the best consideration he could give it, he had come to the conclusion, that the best course was not to leave the action of *crim. con.* untouched, as in a former Bill, but to enable it to be brought after divorce was obtained, thus making it a condition precedent that the wife's guilt should be established.

Lord LYNDHURST said, he had not any intention of arguing the general question upon the present occasion, because he had very recently urged, as strongly as he was able, all the arguments which had occurred to him upon the subject; it would, therefore, be idle to trouble their Lordships with a repetition of them. He must leave it to their Lordships to decide upon the weight and authority of those arguments, and those which they had heard from his noble and learned Friend (the Lord Chancellor) and would apply himself to a consideration of the law as it stood. He had stated, on a former occasion, that the law at present was this—that no proceedings for divorce could be taken until after an action had been brought, and damages recovered in a court of law. His noble and learned Friend intended to invert this order of things, and contended that the proper course to pursue in future would be, in the first instance, to obtain a judgment upon the proceedings for a divorce, and then to bring the action for damages for criminal conversation. His noble and learned Friend had given reasons which he considered sufficient to justify this alteration, but he (Lord Lyndhurst) did not think they were sufficient; for his noble and learned Friend had made no answer to the observations which he (Lord Lyndhurst) had made on a former night—that if this new law were beneficial, it ought to extend to all classes of the community; but there was always a large proportion of persons who never would be able to take advantage of it, because they could not take proceedings for dissolving marriage; he referred to the Roman Catholics. Now, if it were proper to continue the action for *crim. con.*, how would his noble and learned Friend reconcile himself to pass a Bill, not extending to all the subjects of the community, but only to a portion. He, therefore, objected to the Bill on this ground. He objected to it on another ground. The object of the measure was stated to be that all the proceedings under it should be as cheap as possible, and should extend to all classes—the poor as well as the rich. Now, as to the poor, the Bill would be inoperative. Suppose a poor man discovered that his wife had been seduced; he might desire to institute an action for damages immediately upon the discovery of the offence; but, according to the Bill, he would have to pursue a double proceeding. He therefore objected to the Bill, because it would put these proceedings beyond the reach of the poorer classes of the community. He did not agree with his noble and learned Friend, that the effect of the Bill would be to diminish the actions of *crim. con.*, and he believed that, instead of diminishing the number of actions, it would have a contrary effect, and the man who had obtained judgment in divorce would say to himself, "The adultery is established, the case is notorious, and I have nothing to do but to go into court, and recover damages according to the view which the jury may take of the injuries I have sustained." Upon these grounds he objected to the specific alteration; and he objected also to the principle of the law as it now existed. He proposed, therefore, to move by way of Amendment, to strike out words in the clause, the effect of which would be to abolish altogether the actions of *crim. con.*

THE BISHOP OF OXFORD thought the House was arguing this clause at a disadvantage, because the substitute for the action for *crim. con.* was not before them. If they took away the action, and put nothing of a penal character in its place, it would, undoubtedly, among the lower classes, increase the temptation to adultery.

LORD LYNDHURST explained that he had not touched upon any substitute for that form of action, because Lord St. Leonards had given notice of certain propositions with that object.

THE BISHOP OF OXFORD wished to lay stress upon the point, that if they introduced, in any way, facilities for divorce, they should at the same time give a distinctly criminal character to the act of adultery. He agreed in the principle of the Amendments intended to be moved by Lord St. Leonards; but he would not limit the amount of fine. He would give a larger discretion to the Court to assess the damages, and inflict the right amount of penalty on the adulterer. He wished to join in any way in making adultery discreditable. He thought that, among the higher classes especially, the temptation would be less if the adulterer, instead of being invested with a certain sort of mythical chivalry, were represented, as he was, the committer, under appetite, of a discreditable crime. He thought they would not rightly guard the morals of the people unless they combined two things—giving, not to a jury who were capable of being swayed by this or that representation, but to the grave sages of the law, the right of assessing pecuniary damages over and above the loss of the wife's person, for the injury inflicted upon the husband, and inflicting some positive discreditable punishment, such as imprisonment, on the adulterer.

LORD WENSLEYDALE said, he hoped the House would not agree to the Amendment of his noble and learned Friend (Lord Lyndhurst) which would take away all civil remedy for adultery. That was the simple point which their Lordships had at that moment to consider, and he thought they would see at once the wrong which would be thereby inflicted on the injured husband. With regard to a remark made in a former debate by his noble and learned Friend (Lord Lyndhurst), to the effect that the Lord Chief Justice had, in the Court of Queen's Bench, characterized this form of action as a disgrace to the law of this country, he (Lord Wensleydale) was quite sure his noble and learned Friend had been misinformed as to what passed in the Court of Queen's Bench on the particular occasion to which he referred, for he (Lord Wensleydale) thought his noble and learned Friend the Lord Chief Justice was too cautious a man ever to have gone so far as to stigmatize in such terms the law which he was sworn to administer, and so to prejudice the case before him. That information must have been incorrect. He (Lord Wensleydale) believed it to be an action coeval with the law of England, which had always held that the husband had an action for the loss of the society of his wife. It had certainly been longer in existence than from the time of Lord Loughborough, who proposed the standing order requiring it to be brought as a preliminary step to a Bill for a divorce—the date which had been assigned to its duration in a former debate on the Bill now under consideration. In the famous divorce case of the Duke of Norfolk, which occurred at the close of the seventeenth century, their Lordships required an action for criminal conversation to be brought by the petitioner, with the view of satisfying them that there was no collusion between the parties, before they would sanction the divorce. The damages were laid at £100,000, and the jury found 100 marks, and Lord Chief Justice Holt reprimanded them for giving so small and scandalous a sum. It has been said that this form of action was peculiar to this country, and unknown to the continental nations. That was a great mistake. It was allowed by the law of Holland, as was held in a full discussion in a recent case in the Judicial Committee of the Privy Council [see *Norton v. Spooner*, 9 *Moore's Cases*, 103]. It was allowed in France, for there was one general provision laid down in the *Code Napoleon*, that every man who inflicted a wrong was bound to make compensation to the party injured, and the Court of Cassation had interpreted that provision to include compensation for the injury to the husband in cases of criminal conversation by a civil action. Again, in many countries subject to the Roman law, a penal action, he believed, might be maintained, and a claim for reparation joined. In fact, the principle on which the form of action was founded he believed to be in unison with the law which prevailed throughout a considerable part of the Continent. No one would deny that there must be some compensation for the wrong inflicted in such cases, and what compensation could there be but a pecuniary one? Would any man say that the loss to a husband of the comfort and society of his wife, and of her aid and assistance in the management of his children and his domestic affairs, was a bereavement for which he was entitled to no redress? The arguments against this particular form of action seemed to have resolved themselves into three. In the first place it was said that it was a scandal for a man to receive money for such an injury, and that he ought to be ashamed to make merchandise of his honour. Why, the same objection might be made to the man who brought an action to recover damages for slander, of which it might be said that it was a shame for a man to make merchandise of his character, or for an assault, in which he might be said to make merchandise of his person—or, in fact, for any species of injury which courts of law were in the constant practice of compensating by money, and which they could not, in the nature of things, compensate in any other way. The second argument was, that the trial of actions of this kind involved details the publication of which was injurious to public morals. That again was an argument applicable to the trial of all offences against morality; such offences could not go unpunished, and there must consequently be some exposure hurtful to public morals, unless such trials were conducted with closed doors, which would scarcely be tolerated. The third objection was the hardship said to be inflicted on the wife in such actions by her character being traduced without any opportunity of being heard in her defence. The answer to that argument was that, though the wife was precluded from being heard, it was competent for her to lay all the evidence necessary to sustain her character before the persons defending the action. He thought their Lordships would be of opinion that no case had been made out for taking away the civil remedy of the husband, for the greatest wrong which he could possibly receive. He thought there were very strong objections to the postponement of an action for *crim. con.* until after a divorce was obtained, for by such an enactment they would preclude their Roman Catholic fellow-subjects from obtaining any redress in the form of compensation for injuries of this nature.

Lord LYNDHURST said, the reason why he did not enter upon the discussion of this subject on a former evening was, because his noble and learned Friend (the Lord Chancellor) had stated in detail his opinion as to what equivalent ought to be adopted for the action of *crim. con.* He (Lord Lyndhurst) thought it was most unadvisable to discuss this subject piecemeal, as it had been treated by his noble and learned Friend (Lord Wensleydale) that night, but it ought to be considered as a whole in order that they might arrive at a right conclusion. It might be possible that some equivalent could be found for the action of *crim. con.;* but, if no such equivalent could be suggested, and their Lordships thought it advisable to retain the present form of proceeding, he must of course submit to their decision.

THE EARL OF DERBY said, that even if their Lordships concurred in the Motion of his noble and learned Friend, it by no means followed that they affirmed the proposition that the action for *crim. con.* should be done away with. His noble and learned Friend proposed to do away with the action for *crim. con.*, but to substitute something else for it. If they agreed to the Motion, they would be in this position, that his noble and learned Friend would have the opportunity of proposing, and their Lordships of considering and discussing, his remedy in lieu of the action for *crim. con.;* and when they had done so, then they would take a division upon the *ensemble* of the clause, and so ascertain if they could agree upon an equivalent for that action. The words proposed by his noble and learned Friend would not bind the House irrevocably to the abolition of the action for *crim. con.;* but the action for *crim. con.*, as it now stood, was undoubtedly discreditable to the law of England.

LORD CAMPBELL said, it was unfair to suppose that the proposal of his noble and learned Friend (Lord Lyndhurst) was simply to abolish the action of *crim. con.* without providing any substitute for it; not one of their Lordships who had taken part in this discussion had put forward anything of the sort. What had been asserted was that the action for *crim. con.*, as it now stood, was discreditable to the law of England, and he rejoiced to have that opinion confirmed by so high an authority as the noble Earl (the Earl of Derby). It was, moreover, the almost universal opinion of the English Bar and of the English people. His noble and learned Friend (Lord Wensleydale) had pleaded very ably in favour of retaining actions of *crim. con.* He knew the abhorrence with which his noble and learned Friend regarded all changes in the law; but he also knew that in various instances, when changes had been made which had proved beneficial, the noble and learned Lord had candidly admitted that his views had been mistaken, and that his fears of such changes had been unreasonable. In the present instance, his noble and learned Friend seemed to think that the abolition of the action of *crim. con.*, which enabled a husband to put money in his pocket by the dishonour of his wife, would be as dangerous to the liberties of the nation as the repeal of the *Habeas Corpus* Act. The noble and learned Lord was quite right in stating that he (Lord Campbell) had, in open court, stigmatized such actions as a discredit to the country. He would not, however, enter into the merits of this description of actions, which had been admirably canvassed by his noble and learned Friend opposite. It was said that in such actions damages were given by way of compensation; but the object of compensation was to repair an injury done. If a man was deprived of a horse he might recover £100 or £1,000, and buy another as good; but who would maintain that money, whatever its amount, could compensate a man for the seduction of his wife? They had heard some pathetic descriptions of the feelings of a man who had been robbed of his domestic happiness by the alienation of his wife's affections, and did their Lordships think that £10,000 or £100,000 could be any compensation for such an injury? He held that it could not, and he maintained, therefore, that an injury of that kind ought not to be the subject of an action for damages, but that adultery ought to be regarded as a crime of deep dye, and that its perpetrators ought to be liable to prosecution and punishment. It had been said that actions of this description were maintainable in Holland. He had never conversed on the subject with any Dutch jurists, but he had conversed with French, Italian, and German jurists, all of whom were of opinion that it was discreditable to this country that such a form of action should be continued. He remembered on one occasion being told, tauntingly, that the English law permitted a husband to take his wife into a public market with a rope about her neck, and there to sell her. That such was the law of England was universally believed throughout the Continent. When he pledged his honour that that was not the law of England, but that a husband guilty of such an act might be punished for misdemeanour, he was told, "Well, if you deny that, what do you say for your action of criminal conversation?" He only blushed, and said nothing.

> "Pudet hæc opprobria nobis,
> Et dici potuisse, et non potuisse refelli."

He believed that the people themselves were ashamed of such actions, and the consequence was that compromises were effected and verdicts were taken by consent. These cases were mere sham proceedings, undertaken in order to comply with the order of the House of Lords requiring some evidence of damages being recovered. The result, then, was merely to have a display of indecency, which tended to corrupt morals. Let the House take into consideration the state of the unhappy wife in respect to the actions for damages. He had known cases where the wife, who denied the adultery, had instructed counsel to appear for her, and the counsel had been told by the Court, that though he might take a note on his brief, he could not address the Judge or jury, or put a single question to the witnesses. The defendant might at any time suffer judgment by default, and then the wife's honour might be sacrificed by collusion between the plaintiff and defendant. This was not a state of things which ought to be tolerated. However, he hoped that the action would not be simply swept away. He should vote for the Amendment of the noble and learned Lord (Lord Lyndhurst) to leave out all the words of the clause after the word "unless;" but he should do so with the understanding that some substitute, similar in principle to that given notice of by the noble and learned Lord (Lord St. Leonards), should be brought forward. The offence ought to be treated as a crime.

LORD WENSLEYDALE said, that never was any charge more inaccurate than to state that he was averse, on all occasions, to changes in the law. The greatest change that ever took place in the history of the common law occurred in 1828, and he (Lord Wensleydale) took a large share in that; and, he might add, that there was no one beneficial change in the common law effected in late years, in which he had not, in like manner, had a considerable share; especially he had assisted in the Amendment of the Common Law Procedure in 1852, and as one of the Commissioners did his best to effect an improvement in the law. Never was a charge more inaccurate than that made by his noble and learned Friend. He was sorry to hear from the noble and learned Lord that it was true that in the Court of Queen's Bench, where it was the duty of the Judge to administer the law as he found it, his noble and learned Friend had stigmatized the conduct of a plaintiff for bringing what he termed a disgraceful action.

LORD CAMPBELL said that, on the contrary, he defended the conduct of the plaintiff, because he had no choice, as the law stood, but to bring the action, for the marriage could not otherwise be dissolved. The action, however, was disgraceful.

EARL GRANVILLE suggested, as their Lordships seemed agreed that there was great objection to the present system of bringing an action for damages, and also that there was difficulty in finding a sufficient substitute, that the Amendment should be now withdrawn, on the understanding that the whole subject should be considered on the Report. The Government would then be prepared to adopt, not exactly the precise words of the proposition given notice of by the noble and learned Lord (Lord St. Leonards), but some sort of substitute which should seem to their Lordships to meet the necessity of the case.

THE EARL OF DERBY suggested, that the words which his noble and learned Friend (Lord Lyndhurst) proposed to strike out should be omitted, and that his other noble and learned Friend (Lord St. Leonards) should be permitted to insert in the Bill the Amendment he proposed, taking the discussion on the details of the Amendment when they came to the Report. That would leave the Amendment proposed by his noble and learned Friend to be discussed after it had been duly considered by the Government. In the meantime they would have affirmed the principle which they desired to affirm, that the action for *crim. con.* should be abolished, and that they should endeavour to substitute a proceeding of a penal and criminal character.

THE DUKE OF ARGYLL: The noble Earl had suggested that, so far as the votes of this House were concerned, it would appear that the House would abolish the present system of *crim. con.* actions without providing a substitute.

THE EARL OF DERBY: No, he proposed that the words should be struck out, the Amendment of his noble and learned Friend inserted, and then considered in the Report, with the understanding that the House was not pledged to the precise details of his noble and learned Friend's proposition.

The Duke of ARGYLL: If it appeared in the votes that the House had adopted the Amendment it would be virtually the abolition of *crim. con.* actions, with no substitute in the nature of pecuniary compensation and damages.

Lord LYNDHURST: The simple course was to strike out the words from the clause, and upon the Report move the insertion of other words. If the House were then of an opinion adverse to the proposition, his noble and learned Friend (the Lord Chancellor) might move to re-insert the words.

Lord ST. LEONARDS disclaimed any intention of passing the clause in its present shape; he merely proposed it *pro formâ*, his object being to have a proper substitute for the action of *crim. con.*

Earl GRANVILLE thought that, instead of adopting a clause of which the House did not wholly approve, it would be better to strike it out altogether in the present stage of the Bill, on the full understanding that it was the intention of all parties to provide some substitute for the action of criminal divorce, and that measures would be taken for that object on the Report.

The LORD CHANCELLOR said, that he had no objection to striking out at present either the whole of the clause or the words proposed by the noble and learned Lord (Lord Lyndhurst).

The Earl of DERBY asked whether the Government would consent to strike out the words proposed to be omitted by his noble and learned Friend (Lord Lyndhurst), and would go so far as to introduce into the clause the first words of the Amendment proposed by his noble and learned Friend (Lord St. Leonards), so that the effect of the clause would be to provide that it should not be competent for any person to bring an action for damages for criminal conversation, but that whoever should commit adultery with a married woman should be deemed guilty of a misdemeanour?

The LORD CHANCELLOR said, he had no objection to the arrangement.

Words from the word "unless" to the end of the clause struck out, words:—"That whoever shall commit adultery with a married woman shall be deemed guilty of a misdemeanour," inserted.

Clause, as amended, *agreed to.*

Remaining clauses *agreed to.*

On the suggestion of Lord Redesdale, it was agreed, that the discussion on the Amendments on the 44th clause should be taken on recommittal.

Amendments made; the report thereof, to be received on *Thursday* next.

House adjourned at a quarter before Nine o'clock, to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, May 28, 1857.

Minutes.] New Writs.—For Kerry, *v.* Henry Arthur Herbert, esq., Chief Secretary to the Lord Lieutenant of Ireland; for Reading, *v.* Henry Singer Keating, esq., Solicitor General.
Public Bills.—1° Tenant Right (Ireland); Medical and Surgical Sciences (Queen's University) (Ireland).
2° Joint-Stock Companies, &c.; Princess Royal's Annuity.

IRISH CONSTABULARY—QUESTION.

Mr. HASSARD asked the Secretary of State for the Home Department if the Government intend in this Session to carry out the determination expressed by the Chief Secretary for Ireland, on the 27th of February last, "to introduce a Bill for the re-distribution of the Constabulary Force in Ireland amongst the several counties?"

Mr. J. D. FITZGERALD said, he would take upon himself to answer the question, and he had lost no time in bringing the matter before the Chief Secretary for Ireland, who, he hoped, upon taking his seat, would be able to lay a measure before the House.

MILITARY SCHOOLS—QUESTION.

Lord BURGHLEY asked the Under Secretary for War whether the Government will allow the sons of those adjutants of militia, who are retired officers of the line, to be admitted to the military schools on the same terms as the sons of officers of the army?

Sir JOHN RAMSDEN said, in reply, that the officers to whom the noble Lord had alluded, had voluntarily retired on half-pay, or had received the difference, or had sold their commissions. In either of those cases they would not be entitled to admission to the military schools on the same footing as officers of the army. In other cases their sons would be entitled to admission the same as those of officers of the army.

TORTURE IN INDIA—QUESTION.

Lord CLAUD HAMILTON asked the President of the Board of Control whether any investigations as to the practice of torture in Bombay and Bengal were instituted by Government in 1854, similar to those which led to the Madras Report of April, 1855, and whether the results of those investigations will be laid before Parliament?

Mr. VERNON SMITH said, no commission had been issued in the cases of the two Presidencies alluded to by the noble Lord. The late Governor General the Marquess of Dalhousie had thought it better to act at once. The clauses in the penal code, which were now under consideration by the Legislative Council, would apply to all parts of India. The papers referring to the subject would be laid upon the table as soon as they were copied.

SERGEANTS' GOOD-CONDUCT MONEY.

QUESTION.

Sir JOHN TRELAWNY asked the Under Secretary for War, with reference to an Order of the 10th day of January, 1857, allowing soldiers made sergeants since that date to retain their previously earned good-conduct money, whether it is the intention of the war authorities that sergeants created before the 10th day of January, 1857, and whose good-conduct money ceased under regulations then in force on their becoming sergeants, should remain in a worse position than their brother non-commissioned officers who, without more merit, have served for shorter periods in the rank of sergeants?

Sir JOHN RAMSDEN said, the memorandum to which the hon. Gentleman alluded was one dated, not the 10th, but the 16th of January. It had reference to all sergeants in the service irrespective of the date of their promotion. All were subject to the same regulations.

JOINT-STOCK BANKS.

QUESTION.

Mr. HEADLAM asked the Vice President of the Board of Trade whether it is the intention of the Government to introduce any measure during this Session of Parliament to regulate the constitution of joint-stock banks, and more especially to apply the principle of limited liability to such establishments?

The CHANCELLOR of the EXCHEQUER said, in the absence of his right hon. Friend the Vice President of the Board of Trade, he would state that it was the intention of Government to introduce a Bill on the subject; but in the absence of his right hon. Friend he could not answer the second part of the hon. Member's question.

SCOTTISH HARBOURS—QUESTION.

Lord JOHN HAY asked the Secretary of the Treasury when it is his intention to move for a Committee of inquiry into the present state of the Harbour of Wick, and the other harbours of Scotland?

Mr. WILSON said that, if he were to move for a Committee of Inquiry upon the subject of the hon. Member's question, he should not propose that it should be confined solely to the harbours in Scotland, but should embrace the harbours of the whole of the United Kingdom. He had intended to move for such Committee immediately after the Whitsuntide recess, but he was afraid that its appointment would lead to no conclusive result before the close of the present Session.

NEUFCHATEL—QUESTION.

Mr. KINNAIRD asked whether the Government has received any conclusive information relative to the signing of a treaty bringing to an amicable conclusion the differences between the kingdom of Prussia and the Swiss Government with reference to Neufchatel?

Viscount PALMERSTON: Sir, I am happy to be able to inform my hon. Friend and the House that a treaty has been acceded to by both the Swiss Cantons and the King of Prussia, which I believe was actually signed a few days ago, and that the question in dispute between them may be considered as being satisfactorily settled.

RELATIONS WITH BRAZIL.

COMMITTEE MOVED FOR.

Mr. ROEBUCK: My purpose on the present occasion is, to invite the House to resume a function which it has abdicated for some time past. It is to undertake some part in the consideration of our foreign relations—matters which have been for some time past wholly and exclusively under the supreme control of the noble Lord at the head of the Government. I repeat, the House has abdicated this part of its functions. We have seen the portentous incident of a war declared against another State, an expedition undertaken, a battle fought and peace declared, and this House wholly uninformed upon the matter. Now, Sir, I want to persuade the House upon a matter very different from that to which I have just referred, to reundertake its functions, and to apply their consideration to our commercial and foreign relations. The subject to which I invite the attention of the House is, our relations with the empire of Brazil, and if the House will forgive me, I will preface what I have to say, by a very short account of what I believe to be the situation in which we stand with regard to the Government of the Emperor. As far back as 1826 we entered into a treaty with the empire of Brazil—which very shortly before had recovered its independence—on the subject of the slave trade. By that treaty the participation in the slave trade by any subject of Brazil was declared to be piracy. That was an engagement entered into by the Government of Brazil on behalf of the people of Brazil. I think it right on this occasion to state to the House what it no doubt is aware of, but the statement of which is necessary to the understanding of the observations which I am about to make. Brazil, Sir, has a constitutional Government; they have an emperor, it is true, but he is a constitutional monarch; they have a legislature which makes laws for the community, and unless the laws are made by that legislature they are not binding upon the people of Brazil. I think it right *in limine* to make this statement. Shortly after, 1826, a further treaty was entered into between this country and Brazil, and by that Convention there was created a reciprocal power of search on the part of both countries. And in that Convention there was power given to either party to put an end to the treaty upon notice given. This went on for some years, but in 1844 that Convention was put an end to on notice given, and the rights of search done away with. Thereupon Lord Aberdeen, then Minister for Foreign Affairs, under the late Sir R. Peel, introduced a Bill into the other House of Parliament, by which power was given to British courts of justice to take into consideration and adjudicate upon ships taken under the treaty of 1826. By the Convention which was put an end to there was a mixed Commission, which was abolished by the abrogation of the treaty, and this Act of Parliament was intended to supply the place of that Commission. But Lord Aberdeen, in introducing the Bill, stated clearly and distinctly, that under one of two circumstances its provisions would be put an end to. One was, if the slave trade were abolished and utterly abrogated in Brazil; the other, if another treaty between this country and Brazil on the subject of the slave trade were entered into. Upon the declaration of independence in Brazil, great difficulty and confusion arose in that country. In the year 1825, Don Pedro I. abandoned his throne of Brazil in order to take that of Portugal. He came to Europe, and left his son, a minor, and confusion reigned throughout the great empire of Brazil. Happily for Brazil, at that time there were at the head of the affairs of that country men of great capacity, who undertook the education of the son—the young sovereign Don Pedro II. then a child and left by his father in their hands. They so undertook that education as to make him a model monarch; and he has shown himself thoroughly desirous of carrying out in a liberal spirit the institutions of Brazil. He did not desire to extend his power and dominion, but to keep himself within the boundaries of his own kingdom. In fact, as I have said, he became a model constitutional monarch. But notwithstanding that, great difficulties lay in his path. Everybody must know that a country claiming for itself independence, under the circumstances in which Brazil was placed, must have a difficult task to pursue. Even the United States, accustomed as they were to our Government and institutions, found a difficulty in forming a government for themselves. The people of Brazil found the same difficulty. Notwithstanding this, they carried on their government, and after a time they gained stability and established good laws within the circle of their dominions. At the time when they declared themselves independent, their commerce was in a situation, not perhaps peculiar, but to which I must refer. Slavery was permitted in Brazil, and the slave trade was carried on by Brazilians between that country and Africa to a great extent; so great indeed that alarm was created among the people of Brazil. The importation of slaves was so great that the white population took fright, and public opinion being against the continuance of this traffic, it was determined to put an end to it. In addition to this, circumstances connected with trade had a great influence upon the mind of the public. Sugar had been the chief source of profit, but at the time to which I refer, it was discovered that coffee might be as advantageously cultivated, and without requiring the same amount of labour. As time wore on, the independence of the people of Brazil gained strength, and at length there came to be an end of the slave trade in that country. Am I not justified in saying this, when the noble Lord (Viscount Palmerston) himself stated, that we might now consider that the slave trade was at an end in Brazil? And so it has been, and is. They have even stretched the law and driven slaveholders out of Brazil, some of whom have come to Europe, while others have sought the more congenial shores of Cuba and North America. I know that the noble Lord has a strong feeling against the slave trade. In that I sympathise with him, and if I thought any act of mine on the present occasion would go to favour that trade in any one of its ramifications, I would not take that step. Under this state of things, I think that circumstances will justify the noble Lord in repealing the Act of 1845. We should remember that Brazil is a constitutional kingdom, and the act of the Executive unauthorized by the legislature cannot have the force of law. Suppose that the Executive of England had chosen, under a treaty with Brazil, to make it an act of piracy to introduce corn into this country. Would that be law? If the House substituted the word "slave" for "corn," that was what the Government of Brazil had done. The Brazilian Government determined that any subject of Brazil engaged in the slave trade should be treated as guilty of piracy. They did not, however, pass a law making it piracy, and when Lord Aberdeen introduced the Act of 1845, he attacked the sovereignty of the people of Brazil. The Act was introduced, no doubt, with very good intentions, and it might have worked well, but it was not the less an attack on the sovereignty of the people of Brazil, and it is only natural that they should resent such an attack. They had resented it, and had refused to enter into any treaty with us on any subject until that Act should be repealed. By that Act English cruizers can go into the waters of Brazil, into its creeks and harbours, cut out a ship which they might deem a slaver, and subject her to be tried, not by a mixed tribunal, but by one which was wholly English. Now we

are a commercial nation, having great commercial foes, amongst others the United States of America, which say to Brazil, "We will admit all your goods duty free, we are slaveholders like yourselves; we dominate in the north as you do in the south, and we are willing to enter into a treaty offensive and defensive with you. You will then see whether or not it is possible to be beyond the control of England." Brazil, it is true, under her excellent monarch, had refused to yield to the blandishments of America; she had refused the treaty, but she also refuses to enter into any treaty with us until we repeal the Act of 1845. Brazil is the fourth nation in our list of customers, taking from us to the value of twelve millions annually. America offered to take her goods without tax, while our necessities oblige us to tax every article of her produce. Still, as the sole representative of monarchy in America, Brazil is inclined rather for an alliance with England than for one with the United States. What I ask of the House of Commons is, to consider our relations with Brazil, and no longer to leave them exclusively in the hands of the Executive. All I ask you to do is, to consider, not to determine, anything. Let us inquire into our relations with Brazil, and also into the policy of repealing the Act of 1845. I appeal to the noble Lord under whose control we have been carrying on war with all the world. It is true we have now peace with Russia, but we are at war in Persia and in China, and there is confusion in India. We may, at any moment, be at war in the western quarter of the world, and therefore I ask the noble Lord not to oppose this inquiry, which may tend to preserve friendly relations with a great American nation. I ask him to rely on the feeling which Brazil herself has exhibited as a determined enemy to the slave trade. Although a more magnificent system of rivers does not exist on the face of the globe than is possessed by Brazil, yet the chief communication between her different provinces is by sea, and if it is necessary to remove a party of slaves from one province to another, it must be done by sea. The vessels in which this is done are constantly intercepted by our cruizers, who finding blacks on board, declare the vessel to be a slaver, take her before the court and condemn her, and thus the whole internal traffic of the country is interrupted. The coast line of Brazil extends upwards of 4,000 miles, indented with various ports, between which there is a constant traffic. British ships constantly enter these ports, and take possession of Brazilian ships under the very walls of the forts. I ask, would you dare such a procedure against a planter of the Chesapeak? would you dare to enter the harbour of New Orleans for such a purpose? If we did, America would at once be in arms, and we should be obliged at once to succumb. We should have to show ourselves, as we always have done, under the noble Lord's administration, subservient to the strong and arrogant, and overbearing to the weak. Whenever a nation is able to defend itself, we are its humble servants. Compare our conduct to Brazil, with that which we pursue towards Cuba. Why do we not interfere with Cuba? The noble Lord knows very well why we dare not. I believe that the noble Lord would not do wrong, if in this matter he divests himself of responsibility and throws it on the House of Commons. If the House of Commons takes it in hand, right will be done; but if it is left in the hands of diplomatists, it will be left in the hands of men who think that power and influence were synonymous with violence and bragadocio. I wish to mention the case of a ship which came to Brazil with slaves unresisted by the British authority. The Brazilians said that our authorities were connected with what occurred, but however that might be, forty of the slaves escaped. Subsequently, however, the Brazilians and the local authorities took possession of the vessel, but because some of the slaves had escaped, the Brazilian Government received a most haughty letter from Lord Clarendon, assuming that these authorities were in favour of the slave trade, although they condemned the vessel and confiscated all the runaway slaves. The people of Brazil, solicited on the one hand by the Government of America, and treated on the other with contumely by the Government of England, feel that we are doing all we can to induce them to break off friendly relations with this country, and to ally themselves with a slave-holding Power like the United States. I look upon such a state of things with considerable apprehension. Brazil is a fertile country, capable of furnishing us not only with sugar and coffee, but also with cotton, and thereby of rendering us independent of America, a service which would be appreciated by our children's children. We are now the slaves of America on account of the cotton crop. If we are insulted, we think of Lancashire and the cotton crop, and at once succumb. The hon. and learned Member concluded by moving for a Select Committee, to take into consideration our relations with Brazil, and to report thereupon.

The Question having been put,

VISCOUNT PALMERSTON: Sir, I cannot refrain at the outset from expressing my surprise that a person like the hon. and learned Gentleman who has just sat down, who has given his attention to public affairs, who understands the current of events, and to whom neither the present nor the near past can be unknown, should give countenance to the vulgar and unfounded insinuations which persons far below him in position attempt to propagate —namely, that it is the practice of England to bully the weak and truckle to the strong. Does not the hon. and learned Gentleman remember the time in his life, and in mine, when England stood alone, opposed to almost every Power in Europe, combined against her—when she held a firm front to every enemy that could be brought to threaten her? And does he not also remember that at a more recent period she undertook a great struggle against one of the most formidable empires in the world, and carried on that war at a remote distance of her own shores and on the very territory of the enemy. I allude to Russia—the country there in antagonism with her. I am astonished that for the purposes of argument the hon. and learned Gentleman should wish to impose on the credulity of his hearers and try to persuade them of that which is directly the contrary of historical fact. The hon. and learned Gentleman has, however, made an admission which entitles me to claim his support against his own Motion. He says that nothing is further from his intention than to do anything which may in the remotest degree assist or encourage the slave trade—that no man feels more deeply than himself the horrors of this traffic; and therefore, if I can satisfy him that his proposition has a direct tendency to stimulate the slave trade he is bound in consistency to vote against his own Motion or else to withdraw it. The hon. and learned Member has fallen into error in a material fact which he stated. Evidently speaking from information not gathered by himself, but furnished to him by interested parties, he asserts that the Act of 1845 is still in operation; that our cruisers now act in virtue of the powers given by that law; and that our ships daily stop and detain vessels coasting along the shores of Brazil. This is an entire mistake. The Act of 1845 has by mutual consent been suspended for several years past, our ships do not interfere with vessels sailing along the coast of Brazil, and that law is at the present moment, for all practical purposes, a dead letter. The hon. and learned Member was pretty correct in the historical recital which he gave. In 1826 the Government of Brazil entered into a treaty, not simply to make the slave trade piracy, but to abolish it by preventing any of their subjects from engaging in it. And the discussions which have since arisen between that country and Great Britain have not turned on the technical point dwelt upon by the hon. and learned Gentleman—namely, whether or not the Brazilian Government made the slave trade piracy. They turned on the wider question, whether that Government did not bind itself to exert its authority to put down this traffic, in which respect it had notoriously violated the engagements into which it originally entered. I should be insulting this House if I were to endeavour by any argument to convince them that the slave trade is one of the greatest crimes which have ever stained the human race—that it demoralizes all those employed in it, and is the ruin of the countries by which it is carried on; and that England has in no respect done herself more honour than by the unwearying and persevering efforts she has put forth from 1815 down to the present time to extinguish this detestable traffic. Well, Sir, we had a treaty with Portugal when Brazil separated from that country, and Brazil took with her the engagements by which the Portuguese were bound. Among those engagements were the stipulations of a treaty establishing mixed tribunals, giving a mutual right of search, and enabling those tribunals to adjudicate upon vessels seized while carrying on the slave trade, and also to liberate all negroes who might be thus captured. That treaty was limited in duration. It ceased to have effect upon Portugal, and by the same reason it ceased also to have effect upon Brazil. When this cessation occurred in regard to Portugal, about the year 1839, what did the British Government do? I had then the honour to be at the Foreign Office, and we passed a law precisely similar to the one enacted in 1845 against Brazil. In consequence of the passing of that law Portugal, which up to that period had refused to renew her treaty engagements for the suppression of the slave trade, did make a treaty in which she contracted to suppress that trade, and the result was that the Act of 1839 was repealed;—not, indeed, that I think this was a very prudent measure, though I am bound to say, as far as regards Portugal, that it has not been attended with any inconvenience. The difference between the cases of Portugal and Brazil is obvious. The former nation, having been engaged in exporting slaves, has not so great an interest in the maintenance of the slave trade as a country like Brazil, which imported them for the cultivation of its soil. When Brazil, therefore, had put an end to the slave trade treaty she was invited to renew, as Portugal had done, her engagements for the suppression of that traffic. She refused, and in consequence of that refusal the Government of Sir R. Peel, when Lord Aberdeen was at the Foreign Office, in 1845 prevailed on Parliament to pass a law respecting Brazil, the exact counterpart and of precisely the same purport as the measure adopted in relation to Portugal a few years before. Was there any ground for that? Did the Brazilians, in fact, carry on the slave trade to any great degree, and were they bound by treaty not to do so? Why, they stood pledged ever since 1826 to put an end to this abominable traffic; and yet year after year they carried it on to an enormous extent. The precise number of slaves landed at their ports I cannot now specify, but I believe they ranged somewhere from 50,000 to 70,000 annually. Let any man figure to himself the frightful amount of human misery engendered by such a state of things. For every 1,000 negroes landed in Brazil probably 3,000 are ruthlessly dragged from their homes in the centre of Africa, the usual computation being that one-third of them die on their journey to the coast, and another third perish during the sea passage. And what effect did the system have on Brazil? Nothing more degrading and demoralizing could possibly be imagined. The capital of the country was diverted from its legitimate channels to be invested in the purchase of human flesh, and a curse, as might have been anticipated, was brought upon the nation in the shape of the contamination of the race and the depravation of its habits. A people, not belonging to the men of Portuguese origin, was multiplied, and to the tainting of the very life blood of the country was added the dangers of internal convulsion. It may naturally be asked, "Why was this traffic carried on if it was so injurious to Brazil?" It is true that many of the most reasonable men in Brazil soon began to think that the slave trade was a great calamity to the country, but there were those landowners whose estates were to be cultivated, the importers of slaves, those whose duty it was to prevent, but whose practice was to encourage the slave trade, those authorities who received bribes for connivance—all these people practically set at defiance the laws of the country and the stipulations of the treaty. What, then, was the result of the Act of 1845—a law which was perfectly justifiable, because Brazil had broken her treaty engagements to co-operate with England for the suppression of the slave trade, and had thereby entitled England to do for her that which she had by treaty agreed to do for herself? For some four or five years that law was left unacted upon; but in the year 1850, the Brazilian Government having neglected repeated warnings which any hon. Gentleman by looking at the records of the slave trade in the library (consisting of the annual Reports thereon laid before Parliament) will see at full length, and having done nothing whatever to put a stop to this criminal trade, it was determined to entrust the enforcement of the Act no longer to the Brazilian Government, but to put it in force ourselves. Our cruisers were accordingly sent to their harbours, creeks, and rivers, to accomplish that object, and all charged with a violation of the Act were ordered to be tried in British not in Brazilian Courts. A great outcry was immediately raised about the national dignity and independence having been invaded, and every sort of appeal was made against that course. Assurance was given that measures would be taken by Brazil herself that would be as effectual as the operation of that law. Our Minister at Brazil, and our admiral upon the coast consented to accept this assurance and to suspend the operations of the Act. They were suspended, but so also was suspended the action of the Brazilian Government with reference to the suppression of the slave trade. Instead of those measures which the Brazilian Government had promised the slave trade was allowed to revive to its utmost extent. In January following our Minister told the Brazilian Minister, "You have broken your engagements; you have failed to fulfil your promise; the slave trade is not put down; no new measures have been taken for the purpose. Everything is going on just as before; and therefore I tell you that the Act of 1845 must be renewed. It was renewed, and after a certain time the Brazilian Legislature did co-operate with the Brazilian Government in passing laws, which were to a considerable degree effectual; and when we found that the Brazilian Government was in earnest, and really took steps to put down this abominable slave trade, then, again, the operation of the Act of 1845 was suspended, and has been suspended from that time to this. The Act has not been repealed, and most dangerous would it be for many years to come to repeal it, because its existence is a security for the continuance of the Government of Brazil in the course which it has adopted; and the hon. and learned Gentleman is entirely mistaken in thinking that the Act is now in active operation—on the contrary, it has from that time to this been entirely suspended. The hon. and learned Gentleman says that our commerce is injured by the absence of a treaty, by the position in which it places Brazil as regards the United States, and the temptation it created for the former to enter into a treaty with the latter power. But the Brazilians are more dependent upon the United States than we are, because they draw from the United States a great portion of those breadstuffs which are essential to their subsistence. They are indeed a singular instance of an empire vast in its extent, comprising within its limits every variety of climate and soil, capable of producing almost everything that grows in any other part of the world, and yet importing bread from America and stone to pave the towns of Brazil from Aberdeen in Scotland, having every opportunity to grow sufficient food for themselves, and having stone in abundance which might be applied to the purposes for which they get it from Scotland. But the hon. and learned Gentleman says that though our trade is in danger yet we annually export £12,000,000 worth of produce to Brazil. Why, Sir, if we do that without a commercial treaty, what more could we do if we had one? We made a great mistake with Portugal in times past in making a treaty to limit the amount of duty that was to be imposed upon British goods, for I hold that kind of treaties to be detrimental to the interests both of the country that fixes that limited duty and the country which apparently is to derive a benefit from it. Those treaties are opposed to the fundamental principles of political economy, and I trust that no treaty of that sort ever will be entered into between this and any other country in the world. Brazil should be free to lay upon our importations that duty which she may think best adapted to her financial interests; but does any man seriously imagine that the people of Brazil, who import these £12,000,000 worth of commodities, and who send us an equal value in return, are actuated in any degree by a knowledge of this Act of 1845, which is a dead letter, the existence of which is only known to the Government and to those who wish to encourage that slave trade which it is calculated to prevent? It is very well for those who may wish on either side of the Atlantic to revive this slave trade to represent this Act as a bar to the commercial intercourse between the two countries; but those who know what that commercial intercourse is, and the foundation upon which it rests, know very well that the existence of the Act has no effect whatever in restricting our relations with the empire of Brazil. It is quite true, as the hon. and learned Gentleman says, that the Emperor of Brazil, his present Ministers, and, no doubt, all the enlightened men of that country, are on principle adverse to the slave trade, and determined to put it down as far as their means will enable them to do so; but it is not true, as the hon. and learned Gentleman has been told, that there have been no importations or attempts of importation made. That very case to which he alluded—the importation at Surinam—is in truth an attempt to revive the slave trade, and we know that it is not the only attempt which is likely to be made. It is also a proof of the difficulty which any Government of Brazil, however sincerely anxious to put down the slave trade, must have in resisting that combination of selfish and corrupt interests which tend to encourage and renew the trade. What happened in that case? There was an attempt to land a cargo of slaves. All the authorities were of course supposed to be determined to resist it; but the governor of the district was absent, the Government officers having been told to go another way. Every facility was given for landing the slaves and for their being distributed over the plantations to which they were destined. But our consul, with an activity that did him great honour, interfered, not in the insolent manner described by the hon. and learned Gentleman, but by representing the matter at once to a few Brazilian Gentlemen, who, together with some inferior persons, enabled him to arrest these negroes. And what did the Government do? Why, those persons who were most active in detecting that attempt, and endeavouring to thwart it, were all put in prison and prosecuted, but the guilty parties to whom these slaves were consigned remained at large subject to no proceeding. That very case, therefore, is a proof that there still exists in Brazil among individuals — not, I trust, among the public at large, and certainly not among the members of the Executive Government at Rio, but among a certain number of parties—a proneness to protect and encourage the slave trade, to receive those bribes which slavetraders are quite ready to give. All these are disposed to connive at the slave trade. I say, then, that if the House were to agree to the Motion of the hon. and learned Gentleman to appoint a Committee, intelligence thereof would be received with acclamation by all those adventurers in the United States—by all those culprits still in the Portuguese dominions, and by all those who are interested in the produce of Brazil and in the slave trade, who are only waiting for an opportunity to elude the vigilance of our cruisers, as a proof that this House of Parliament is prepared to reverse the policy which this country has pursued ever since 1815, and they would look with anticipation to some proceeding that would supply them with fresh scope and opportunity for their criminal projects. The hon. and learned Gentleman says that the Earl of Aberdeen made a promise that when the slave trade in Brazil was put an end to he would consent to the repeal of this Act. I know nothing of that promise, but when the hon. and learned Gentleman says that the slave trade in Brazil is put an end to, I maintain that although that is to a great extent true with regard to the present, it is not so with regard to the future. The slave trade is stopped for the moment, but you have no security whatever that it would not revive; on the contrary, we know for certain that there are parties now looking out for opportunities for its revival. There has been a great mortality among the negroes in Brazil. On many of the plantations labour is scarce. The owners of those plantations are men who in former years bought as many negroes as they could get. They do not feel those scruples of principle which we do, and if they had an opportunity of purchasing negroes they would do so to any extent to which the importations would enable them to go. The Government of Brazil has taken some steps in order to increase the free population of the Brazilian dominions, but not to the extent that it ought. It does not give those facilities for immigration which the great variety of the Brazilian soil would enable it to afford. It has not taken those steps which it ought, to turn its Indian population to account by bringing that people into habits of productive industry. But this will come with time. The capital of Brazil, which used to be entirely employed in a traffic of human blood, is now devoting itself to internal improvements, and if, by the continued watchfulness of the British Government and the goodwill and sincerity of the Brazilian Government, the slave trade can for many years be prevented, it is to be hoped that those in the Brazils who have been hitherto engaged in that crime will pass away, that a new generation will spring up, and that those in Africa who have hitherto exported their subjects as slaves will turn their attention to industry of a different kind. It is quite true that Brazil might be made more useful to us by the cultivation of cotton and also of cane in the higher and more temperate regions, and that its great rivers which run through its interior might be made the channels of commerce for Europe as well as for America. But much yet remains to be done. The lurking love of the slave trade is not yet extinguished in the hearts of these Brazilians. It is nothing but the impossibility and danger of indulging in it which restrains them from a commission of their former crimes. I do entreat the House, then, if they have any regard for those principles which have so long actuated this country, to avoid doing anything which can lead to the revival of a crime the greatest of which the human race was ever guilty—a crime which has inflicted upon mankind more calamities than war, famine, pestilence, or any of the other evils incident to humanity, and which has tended to the ruin and degradation of those countries which have been guilty of it. If it is not straining too much thus to interpret the workings of Providence, I may say that from the time when Great Britain emancipated itself from this degrading crime, we may, perhaps, date a start of prosperity and well-being which certainly this country never enjoyed before. I do, therefore, entreat this House and the hon. and learned Gentleman (whom I believe to be as honestly and sincerely adverse to this crime as I or any man here can be) not to take a step which would be misunderstood in Brazil, and which would tend to renew those great evils which we have taken such immense pains to avert.

MR. BRAMLEY-MOORE had been perfectly astonished to hear the statements which had fallen from the noble Lord, and the great injustice which had been done to a nation of whose sincere desire to put down the slave trade he could speak from his own personal knowledge. He knew the people of Brazil intimately, believed they were most desirous to put an end to this abominable traffic, and would challenge the noble Lord to give a single instance in which Brazilians, for many years past, had been shown to be concerned in the trade. Since the passing of the law in 1850, which had been referred to, not a single instance could be furnished where Brazilians had been connected with the slave trade; nay, more, the only slavers captured on the coast of Brazil had been taken by the Brazilians themselves. The statement that Rio Janeiro was paved with granite from Aberdeen was too absurd in a place which was surrounded by ample supplies of the same material. It was possible that stones might have been taken out as ballast by vessels going from Aberdeen, but the story of the city being all paved with stones imported from Aberdeen itself, was on a par with what happened at the early opening of the trade with Brazil, when some wise persons sent out a cargo of warming-pans and skates to a country where there was never any ice. With reference to the case of one of the slavers taken at Surinam, it was rather remarkable that the individual who was praised, and received the thanks of the English Government through Mr. Consul Cowper, for the assistance he afforded on that occasion, afterwards turned out to be the person implicated in the transaction, and had since been punished by the Brazilian Government. Then, to show that the feeling against the traffic was not confined to the Government, he would instance the case of the *Mary Elizabeth Smith*, captured at Port St. Matthew. Those on board that vessel had no confederates in Brazil; they attempted to land the slaves without success on one point and another of the coast. The Brazilian population to a man joined to resist the landing, even at points where there were no police and soldiers; and at last she was captured by the *Olinda*, a Brazilian, not an English cruiser, which had pounced upon her in the harbour of Port St. Matthew. The Brazil agent in New York had a photograph of the vessel taken, and she was traced from New York to Monte Video and thence to Africa, and was captured by Lieutenant Lonciero in spite of the American ensign which was flying, so certain was he of the vessel from her likeness to the drawing. For this service, Mr. Jerningham had been directed by the British Government to write a despatch, thanking the Brazilian authorities. With regard to the correspondence that had taken place between our authorities and the Brazilian Government, he could state, from an attentive perusal of that correspondence, that a tone invidious and insolent had been assumed by the inferior British representatives in Brazil, and that the Brazilian Government had just cause of complaint at the treatment it had received. A gentleman of the name of Swan boldly went up the river Amazon and hoisted the English flag, and refused to haul it down, although called upon to do so by the authorities as contrary to the usual regulations; and in that determination he was supported by the British Consul. Such conduct should not be countenanced. There could be no doubt whatever that the Bill passed by Lord Aberdeen, in 1845, was an interference with the sovereignty and independence of Brazil, and the Government there was perfectly right in refusing to enter into any treaty with this or any other country, while we exercised such rights as those of capturing Brazilian vessels and adjudicating with regard to them on the spot in the Brazilian waters. The atrocities, as he might call them, which had been committed by the British cruisers would raise the indignation of any people. One of these cruisers had captured a Brazilian steamer with passengers on board, and after the passengers had been landed, the vessel was set fire to by order of the British commander. This act, though it took place within two days' sail of Rio Janeiro, was justified by the British authorities. Was it treating a nation upon equal terms to decide that its vessels might be condemned upon the mere dictum of British commanders. Such a course would not have been attempted against any nation strong enough to resist it. There was one statement made by the hon. and learned Gentleman, and adopted by the noble Lord, which showed a great want of information as to our relations with Brazil. The trade between this country and Brazil was represented as amounting to £12,000,000. Now, any man who was at all acquainted with this subject, knew that the trade did not amount to one-half of that sum, and that the entire importations into Brazil from all parts of the world were only valued at £12,000,000. It was of great importance to encourage the relations between the two countries. Brazil was the only nation in South America that had kept faith with its creditors, and it was the only constitutional monarchy in South America, and it was our interest and duty to cherish, encourage, and uphold monarchical principles in this hemisphere. He could respond to every word of praise which had been used with regard to the Emperor of Brazil—a model Sovereign, virtuous and good, whose only object was to promote the happiness of his people. He might remind the noble Lord of the difficulties with which Brazil had to contend in putting down the slave trade. The slave trade on the coast of Brazil was carried on entirely in Portuguese and American vessels, which were fitted out in the United States, and then obtained cargoes of slaves on the coast of Africa; yet they heard of no attempts being made to prevent them quitting the United States. The coast it had to watch was something like 3,000 miles in extent, and when it was remembered that we were not able to put down the trade in our own colonies, it would be acknowledged that the Brazilian Government must labour under much greater difficulties. The slave trade was carried on in Sierra Leone to an extent which would be incredible to the people of this country; but if hon. Members would look over the despatches of Governor Kennedy, they would find him describing the difficulty of suppressing the traffic, and stating that no jury would convict in these cases—a practice, indeed, so prevalent, that Governor Kennedy had even applied to the Home Government to put down trial by jury there. He thought this decidedly a case in which inquiry was demanded, and in which this House was called upon to concede a Committee, and he hoped, therefore, that the hon. and learned Gentleman would persevere with his Motion.

MR. MONCKTON MILNES admitted that the hon. and learned Member for Sheffield had made out a good case for the Government of the Brazils, but not for the appointment of a Committee, the Motion for which, he thought, went beyond a mere inquiry, inasmuch as it indicated a change of policy. Besides, nothing had occurred since the Report of the Select Committee of 1852 to authorize the appointment of another Committee, or the attempt to elicit any more facts than were before them. At the same time he thought that they ought to feel greatly indebted to the hon. and learned Member for having elicited the interesting and satisfactory statement which they had heard as to the present policy of the Brazilian Government on this question. The policy of the noble Lord for the abolition of the slave trade had been eminently successful. In 1847–48 a Committee of that House reported that it was vain to hope that the Brazilian Government would be brought to act with good faith, or that there would be any diminution of the slave trade in so far as that country was concerned. At that time the annual import of slaves into the Brazils was between 50,000 and 60,000; in 1852 it was reduced to between 700 and 800. He thought it would be well if the hon. and learned Member for Sheffield or some other hon. Gentleman would move for papers to ascertain whether there had been any increase since, which was probable, as the important events in which this country had been engaged during the last three or four years might have in some degree lessened the vigilance of our cruisers; but to call upon Government to relax its efforts, or to abandon any of the powers it possessed for the suppression of the trade, would be a fatal step. The feeling of the Brazilians as to the slave trade was not that rooted moral abhorrence with which it was regarded in this country, but rather an astute feeling of policy and self-preservation. They knew very well that if any large increase in the number of the black population took place, the lives and properties of the whites would be in danger. A large portion of slaves imported into the Brazils were not of that tame submissive character which marked the black population of the States. The policy of that country was to keep down their slaves to that standard which was necessary to supply the labour to cultivate their estates. If any great mortality took place amongst the blacks, no doubt attempts would be made to make up the deficiency by further imports from Africa, consequently it would be most unwise to abandon or relax any of the powers possessed by our Government. Our success in treating with the Brazils should rather induce us to apply the same policy to other nations where the slave trade was encouraged than abandon it in that case. A Committee would be productive of no good result; it would afford no information of which the House was not already in possession, and therefore he hoped that the Motion would not be successful.

MR. ROEBUCK, in reply, said that he was sorry to find that a question of so much importance did not excite more interest in the House. The noble Lord had given no reason why this Motion should not be agreed to. He stated, that the slave trade was a great enormity, in which it was not difficult to agree with him; and he went on to give a graphic description of the different phases of the slave-trade question in former years; but what had that to do with the question? He could understand that everything which fell from the noble Lord was interesting to the hon. Member for Pontefract (Mr. Monckton Milnes); but to less partial judges there was nothing in the noble Lord's speech which could be said to amount to a real objection to the Motion. The noble Lord argued that if the House of Commons granted an inquiry into this particular branch of our foreign relations those persons who were intent upon the slave trade, would immediately conclude that the House of Commons had expressed an opinion which was favourable to them. Nothing could be more destitute of foundation. He had great confidence in the House of Commons, though he had none in the noble Lord; and he believed that it was as great an enemy to the slave trade as the noble Lord himself, and was as little likely to express an opinion favourable to it. He believed, too, that the House of Commons was thoroughly alive to the honour, interests, and dignity of England, and an inquiry such as that asked by this Motion would be eminently conducive to the honour and dignity of the country. Why should it not? The noble Lord said that the Brazilian Government in times past had been great friends to the slave trade, but that self-interest had shown them that it was a dangerous trade for Brazil. But what motive could there be more potent than self-interest? Then the noble Lord warned the House that there were people in Brazil who were friends to the slave trade; but did the noble Lord believe that there were no people in England who were friends to the slave trade? Let him not lay "that flattering unction to his soul." There were people, in truth, who would trade not only in the bodies of blacks, but in their own souls—ay, in England, too—in virtuous England. It was his sincere belief that the real promoters of the slave trade might be found within the three kingdoms called the United Kingdom of Great Britain and Ireland. It was maintained in spite of our cruisers, and it was put down in Brazil, not by the noble Lord's laws, but by the will of the Brazilians themselves. All that our Acts of Parliament had done was to sow dissension between us and the Brazilians, and to encourage our diplomatists to insult the Brazilian Government. Had any one written to the noble Lord such a letter as Mr. Jerningham wrote to the Brazilian Minister, how he would have declaimed in that House on the insulted honour and dignity of England, and called upon the country to avenge the insult. The noble Lord charged him with appealing to the vulgar prejudice that it was our policy "to bully the weak and truckle to the strong;"—but was not this the case? Where was the slave trade most flourishing now? In Cuba. And why did not the noble Lord put it down there? Simply because he dared not. Because the French Emperor would not allow him. The noble Lord talked of vulgar prejudice; but had the noble Lord answered the charge he had brought against him of using the power of England to aid and assist the strong and bully the weak. The weak were the people of Brazil—the strong the people of America. Dared they send a cruiser into the Chesapeak? They dared not. America would be in arms, and the noble Lord would go to the Minister of the Republic and humbly beg his pardon that he had presumed to interfere with the inviolability of her flag. The hon. Gentleman opposite (Mr. Bramley-Moore) had corrected him as to our exports to Brazil; but he believed that if he referred to documents he would find that our trade amounted to nearly £12,000,000 per annum. Now, there was this difference between Brazil and America, that Brazil had no manufactures, while America had. Brazil exported agricultural produce to America, which could supply her with manufactured goods as cheaply as we could; therefore, if we induced the Brazilians to prefer an American alliance to ours, we should lose our trade with their country, and the Americans would get it. He only asked for an inquiry, and he was quite sure that that would lead to no mischief. The hon. Member for Pontefract (Mr. M. Milnes) said, that he had a policy in view. He had not. What he wanted to come to was the truth; and he asked whether the House was in a condition to say to any one who made out such a case as he had done, "You shall not inquire. We have such confidence in the noble Lord"—for there it lay—"we have such confidence in the noble Lord that we put all the foreign interests of England into his hands, and will not inquire." Shame on the House of Commons that would say so! They might have confidence in the noble Lord. He (Mr. Roebuck) had no doubt that he had confidence in himself, but they might depend upon it that they could not injure the interests of England by inquiring. All he sought was the appointment of a Committee which might obtain evidence, and upon that evidence he would ask the House to decide this question.

MR. DISRAELI: I was about to speak when the hon. and learned Gentleman rose to reply, and I therefore hope he will excuse my making one or two observations in explanations of the vote I am about to give. This Motion is certainly rather a strong one. Had the hon. and learned Gentleman moved for papers, or had he made some Motion which would have brought more information before the House before he asked it to pronounce an opinion, I should not have taken the course which I now personally feel it my duty to pursue. A Motion, however, which by its language takes the management of our diplomatic relations with Brazil out of the hands of the Government and submits them to the consideration of the House of Commons, has, so long as I have had a seat in the House, been regarded as a Motion which implies a want of confidence in the Government of the day. I have listened with great interest to the remarks of the hon. and learned Gentleman, though, owing to an unfortunate circumstance I lost some of his observations, but I did not understand that he recommended his Motion by any particular instance which has recently occurred, or that he represented that any complaint had been made by the Brazilian Government with respect to the Act which has been so frequently referred to. Indeed, I understood from the noble Lord that that Act, of the operation of which the hon. and learned Gentleman complains, is at this moment suspended by an agreement between the two countries. Really under the circumstances I cannot support the Motion of the hon. and learned Gentleman. If the Act of which he complains be at this moment in suspense, it must be in consequence of some previous discussion between the two Governments, and if it remains suspended we have a right to infer that these discussions will be renewed, and that there will be some hope of a satisfactory and amicable settlemeut of this question. Under these circumstances, and after that declaration from the Minister, I do not feel justified in supporting a Motion of so strong a character as that before the House. I am, however, quite of opinion that the subject which the hon. and learned Gentleman has introduced to us is one that ought to interest the House; and, I think, we are much indebted to him for bringing it forward, because our relations with Brazil are of great importance, and have for some time been involved in very undesirable obscurity. I do not know how many years it is since we first heard of an impending treaty of commerce with that country, from which the greatest advantages were to result. I have myself had the honour of bringing that, together with other proposed treaties of commerce, under the notice of the House; but on such occasions I have never received much encouragement from those who possess extreme opinions with regard to commercial exchange. I have generally been told that treaties of commerce are very old-fashioned inventions, and are by no means so desirable as our forefathers used to consider them. Our trade with Brazil is, however, a very important branch of our commerce, and is one from the increase of which great advantages may be expected to result, not only to this country, but to the Brazilians themselves. Let us see what has been the conduct of the rulers and people of Brazil since that treaty of commerce was first noticed in this House and promised as a possible result of our diplomatic relations. Why, there is no doubt that all the statements which were made some years ago as to the encouragement given to the slave trade by the Brazilian authorities and the Brazilian people are at the present moment without any foundation whatever in fact. I quite agree with my hon. Friend (Mr. B. Moore) that it is owing, not to the interference of the British Government or to the activity of our cruisers, but to the policy of the Brazilian Government and the feeling of the Brazilian people, that the slave trade in Brazil has become almost extinct. For twenty years the policy at all times so earnestly recommended by the noble Lord was vigorously pursued, and at the end of that time the number of slaves imported into Brazil was as great as at its commencement. Therefore the utmost energy in carrying out the policy of the noble Lord produced no effect whatever. What, then, had produced the desirable result that the slave trade with Brazil was nearly extinct? What but a change in the opinions of the Brazilian population and community, and the creation of a conviction that it is rather by encouraging emigration, by developing the interior resources of their country, and by pursuing that enlightened policy which the present Emperor of Brazil has at all times supported and patronized, that the wealth and the power of their country will be best secured, rather than by recurring to that system for which Brazil was once so notorious? If this be true, I think the time has come when a spirit of the utmost conciliation and courtesy should be exhibited by the English Government towards that of Brazil. The time has come when it would be well for the noble Lord to consider whether this Act, which is now by mutual consent suspended, may not be altogether abrogated, so that there may be no misunderstanding on the part of the Brazilian Government as to the temper of the Government and people of England; but that the authorities of the Brazils may know that their exertions for the amelioration of society in their own country are appreciated and respected, and that the stories which were the basis and *data* of earnest, but perhaps in some degree passionate, legislation, are now no longer credited as characteristic of their land. The speech and Motion of the hon. and learned Gentleman have had this advantage—that they have introduced to the House of Commons in its first Session a subject of the greatest interest and importance, and that they will give a proper tone to the manner in which we shall hereafter discuss our relations with the Brazilian Government. I hope that the hon. and learned Gentleman—though I cannot suppose that he will be influenced by any wish that I may express—will not ask the House to divide upon this particular Motion, which is, I think, too strong for the occasion. If he will be satisfied with having induced an interested discussion upon an important subject, and having elicited from a large majority of this House the feeling that the Brazilian Government and people ought to be respected, and that our Government should treat them in accordance with this sentiment, he will have achieved a very great result, and one with which he may well rest content. I trust that he will be contented with that, and will not ask the House to come to a division which will not convey to the country an accurate idea of the sentiments of the House of Commons.

Lord JOHN RUSSELL: Were it not for an assertion made by the right hon. Gentleman opposite, which, according to my view, is likely to lead to a misunderstanding of this question, and create a false impression on the House, I should not have thought it necessary to say a word upon this subject. The right hon. Gentleman the Member for Buckinghamshire said that the instructions given by my noble Friend at the head of the Government, when Minister for Foreign Affairs, were that our cruisers should go into the waters of Brazil; that, notwithstanding the slave trade in Brazil had increased, and no check had been put upon it by the vigilance of our cruisers, and by the orders under which they had previously acted—that Brazil herself, from her own views of policy, had undertaken this question herself, and had put an end to her own slave trade. Well, if that be a correct interpretation of the facts, the consequent inference would be that, our efforts having failed, and Brazil having performed this voluntary act herself, it would be but reasonable for us to repeal the Act of Parliament which has been so much in question. But I maintain that that is not a correct representation of the facts. My impression of the matter is this—that, for some time our efforts, energetic as they were, having failed to produce the desired effect upon Brazil, in respect to her slave trade, that trade having increased notwithstanding the vigilance of our cruisers, and the orders of the Foreign Office, instructions were at length issued by my noble Friend, that our cruisers should not confine their attention to the sea-coast, but should go into the waters of Brazil, and take any slavers which they found there. That order was productive of such good effect that the Brazilian Government at last thought it necessary to pass an Act to put an end to the slave trade, which was then found to be a losing concern by all those who were concerned in it. Many of the slave masters, who had previously been deriving large profits from the trade, finding that their losses were so very great in consequence of the close proximity of our cruisers, felt convinced—and indeed so confessed to the diplomatic agents of different parts of Europe—that they could not continue it any longer. Now, I believe that that is a correct statement of the facts; and, being so, I am desirous to leave this question in the hands of my noble Friend and the Government. I believe generally that all questions connected with our foreign affairs ought to be left in the hands of the Government, without any interference on the part of this House. I believe that the present question particularly, owing to the diplomacy of this country and the vigilance of our cruisers, has been conducted most successfully, and therefore it is the more befitting the House not to interfere with it by the appointment of such a Committee as has been proposed. If the hon. and learned Gentleman had brought forward a Motion by which the slave trade of Cuba might be suppressed—if he could suggest any measure having that object in view, I do not believe that the Government would be found to be so much afraid of the powerful monarchy of Spain as to be deterred from supporting it; and I only hope that, when the hon. and learned Gentleman again touches this subject, he will show us how the slave trade of Cuba can be effectually suppressed, and how the slave trade altogether can be put an end to.

Motion made, and Question put, "That a Select Committee be appointed to take into consideration the relations of this Country with Brazil."

The House *divided*:—Ayes 17; Noes 312: Majority 295.

BOARD OF ADMIRALTY.

COMMITTEE MOVED FOR.

Sir CHARLES NAPIER, in rising to move for a Select Committee to inquire into the constitution of the Board of Admiralty, said that he should probably be thought unwise and imprudent in bringing forward his Motion. The First and Second Lords had usually seats in that House. There were also an ex-First Lord in the House, three ex-Secretaries, and four or five lay Lords. Still, notwithstanding these odds against him, he felt it to be his duty to endeavour to persuade the House, if they wished to avoid some serious disaster, to agree to his Motion. The general opinion of the navy was in favour of his Motion. There was hardly a naval officer with whom he conversed, or a commander in chief at one of the ports, or a superintendent of the dockyards, who did not agree that the constitution of the Admiralty might be improved. He had also held conversations with clerks of the Admiralty and of Somerset House, and he believed that if they were polled they also would agree that the navy was not governed as it ought to be. It was, perhaps, necessary that he should explain to new Members the composition of the present Board of the Admiralty. In former days, in the reign of Edward VI., the navy was governed by a Lord High Admiral and a Vice Admiral of England, a Controller, Surveyor, and Clerk of the Acts. This administration was continued until the reign of James II., who was himself Lord High Admiral and Lord General of the Navy. The navy was then managed by the well-known Samuel Pepys. In the reign of William III. the navy was governed by a board. Queen Anne made Prince George of Denmark Lord High Admiral of England, assisted by a counsel of four, one of whom was Vice Admiral of England. After him the Earl of Pembroke became Lord High Admiral with a Council. The navy after that time remained in commission until the Duke of Clarence, afterwards William IV., was made Lord High Admiral. For seventeen or eighteen years previous to that time the navy had been ruled by Lord Melville, and during the whole of that time nothing had been done to promote its interests, or to do away with the shameful system of impressment. He remembered that in 1815 a cornet of dragoons was appointed a Lord of the Admiralty, and Sir G. Cockburn, who was at the Admiralty when this appointment was complained of, stated to the House of Commons that the First Lord of the Admiralty had very little time to attend to the affairs of the navy, which were left almost entirely to the senior naval Lord. This state of things continued until after the Reform Bill, when the right hon. Gentleman the Member for Carlisle was appointed First Lord of the Admiralty, and Sir John Pechell also became one of the naval Lords. He was an excellent officer, and he knew the defects of the system. He (Sir C. Napier) addressed a letter at that time to Sir John Pechell, complaining of the manner in which the affairs of the Admiralty had been managed, pointing out the defects, and urging certain alterations for the improvement of that department. Shortly afterwards the right hon. Baronet the Member for Carlisle brought in a Bill to improve the construction of the Board of Admiralty. Whether the right hon. Baronet had any communication with Sir John Pechell on the subject of his (Sir C. Napier's) communication to the latter, he could not say, but that right hon. Baronet in his Bill proposed the formation of the Board of Admiralty nearly in the way he (Sir C. Napier) had suggested ; but he did not carry out his alterations sufficiently far. The Board was now composed of the First Lord, four Naval Lords, and one Civil Lord. It was Sir J. Graham's intention that the Civil Lord should live in Somerset House, and take charge of the duties of the Accountant General, being responsible for signing all papers relative to expenditure ; that one of the Lords should superintend the medical and victualling department; another should have jurisdiction of the dockyards, &c. ; a third should superintend the management of the packet service, &c. In fact, each officer of the board was to have the direction of a separate and distinct department. Now, all that looked very well on paper ; but the arrangement, however, had not been carried out. Different Lords worked in separate rooms, and there being no concert between them the most contradictory orders were frequently issued. He himself knew of six orders having been issued about the same time by the members of the Board, all contradicting each other. Sir G. Cockburn, who had had eighteen years' experience both of the old and new systems, had expressed opinions on the subject which well deserved the attention of the House. He said, he had no hesitation in stating that the constitution of the Board was most unsatisfactory; first, in the power given to one man to issue orders in the name, and with the authority of the Board. It was true the principal ought to be able to give all orders; but, as matters stood, there was no responsibility upon the party issuing the order, the Board being alone responsible.

With regard to the constitution of the Board, he must say that common sense suggested that the person who presided at it should thoroughly understand the duties of his department; but he seldom did understand them. Then, again, the Board consisted of six members, the first and junior Lords, civilians, and four naval Lords, all acting one without the knowledge of the other: much valuable time was lost by such a system in the explanations that constantly became necessary to be made, and a continual state of anxiety, difficulty, and jealousy resulted as a consequence. Those were the opinions of Sir George Cockburn; and here he (Sir C. Napier) must say, that Sir George Cockburn was greatly to blame for not bringing forward his reforms much sooner than he did; but at his death he left the documents above referred to as a legacy to his country and to the Board of Admiralty. It was said that the Board was a responsible body; but he would show, out of the mouth of a First Lord, what was the fact. In his examination before the Sebastopol Committee, the right hon. Baronet (Sir J. Graham) stated that he had consulted Lord Spencer, who was once First Lord of the Admiralty, as to the proper mode of conducting the business of this department; and that Lord Spencer told him that when his fellow members of the Board refused to sign his orders, he used to throw the papers on the table and threaten, if they were not signed before he left the room, to go to Mr. Pitt and have all his colleagues turned out. Thus every man sat at the Board with a rope round his neck, and it was in the power of the First Lord to dismiss the whole Admiralty if he liked. As to turning out, he (Sir Charles Napier) might also state to the House that Sir George Cockburn actually turned the late William IV. out of the office of Lord High Admiral, for an act of irregularity committed by him in his office. Sir George Cockburn represented the matter to the Duke of Wellington, then at the head of the Government, and the Lord High Admiral was removed from his post. What was the reason that a single Lord was able to usurp the authority of the entire Board, and his orders were often signed by a colleague without reading them? They had not been told why Mr. Phinn had lately given up the office of Secretary to the Admiralty, but he (Sir C. Napier) supposed that that Gentleman could not conscientiously receive £1,500 a year for simply signing his name to heaps of papers which it was impossible he could read. He (Sir C. Napier) had seen himself instances wherein a Lord of the Admiralty signed a document which he had never read at the request of a clerk. That was the way in which the business of the Admiralty was done. He (Sir C. Napier) knew the working of the system from having himself commanded two fleets; and he had constantly received contradictory orders. A private order was once sent to him by Lord Auckland to take the upper-deck guns out of the St. Vincent, and see how she answered; and when he had obeyed this mandate, another order came out by the next mail, from the senior Naval Lord, expressing surprise at what he had done, and directing him to put the upper-deck guns in again immediately. Considerable difference of opinion existed as to the qualities of the *Queen*, and he (Sir C. Napier) was directed to take out the squadron to try her. He took her to sea for an experiment, but by the next mail he received a letter from another Lord directing him to send home the *Queen* immediately. After that, by the following mail, he received another letter, reproving him for sending home that vessel, and expressing regret that she had not been tried. Shortly after, he received a private note from Admiral Dundas, saying, "All the clerks are gone, take this as an order, and send the *Queen* to Malta directly." The explanation of those contradictory letters was that, after the Admiralty ordered the ship to be tried, somebody in the interest of Sir W. Seymour, who did not wish the trial to take place, got an order from some Lords of the Admiralty to have her sent home at once, and then, when that order had been obeyed, a show of regret was made that no trial had been made. He could state another case, while he was in command of the Baltic fleet. He one day received a letter from the Admiralty directing him to proceed to Wingo Sound, and soon after he received another directing him to open the orders which had been enclosed in a previous letter. He did so, and found that the orders were from the Secretary of State, pointing out what he was to do. In that case he obeyed the orders of the Secretary of State, because he was the highest authority, and also because his orders were the wisest. He accordingly proceeded to Kioje Bay, in order to prevent the junction of the Russian with the Swedish and Danish fleets, a contingency which might have happened had he obeyed the Admiralty orders, and anchored in Wingo Sound. A few days after moving his fleet he received a letter from the Admiralty approving what he had done, and yet long afterwards he was censured by the Board of Admiralty for disobeying their orders. He mentioned these cases to show the confusion which arose from having so many masters. The Lords of the Admiralty meddled with things which they did not understand, and the natural consequence was blundering and confusion. Then, again, he had received private letters from the First Lord giving instructions, and others from the Senior Naval Lord also giving instructions, but differing widely from each other. In the dockyards the same state of things occurred. Sir G. Cockburn, after pointing out the faulty construction of the present Board of Admiralty, had pointed out the mode in which he thought that department should be governed. The gallant Officer recommended that the present Board of Admiralty should be abolished, and that the management of the Navy should be transferred to a flag officer as Naval Commander in Chief, to be assisted by two naval officers, to be called Vice Admiral and Rear Admiral of England, or as might be thought desirable. He also proposed that a leading Member of Parliament should be appointed as Controller of Naval Expenditure, who should be charged with the duty of submitting the Naval Estimates to the House of Commons. The Naval Commander in Chief should decide what ships should be built, repaired, and fitted out, and the quantities of stores to be issued, and those orders the Controller should receive as sufficient authority to warrant the expenditure, although he should be at liberty to make suggestions, and, in the event of any irreconcilable difference of opinion between them, the matter to be decided by the First Lord of the Treasury. Sir G. Cockburn thought it better that the Naval Lord should not be in Parliament, and had anticipated an objection that might be raised against the appointment of a Naval Commander in Chief, on the ground of his being inclined to show undue favour to particular officers. He met that by referring to the Commander in Chief of the Army, who was not found to be unfit for the office because he was a military man. As to another objection, that a Naval Officer might not possess the knowledge and requirements necessary to fit him for a seat in the Cabinet, Sir G. Cockburn replied that it was not necessary the Naval Commander in Chief should be in the Cabinet; but even were it so, many naval officers were quite equal to the position in all respects. That was Sir G. Cockburn's opinion of the Board of Admiralty, and before giving his (Sir C. Napier's) views he would point out some of the evils attendant upon a constant change of that Board. A Ministry which remained in office several years produced Members of the Board of Admiralty who had their own notions of shipbuilding. Each First Lord and those under him had their own crotchets—some being in favour of three-deckers, some for steamers, others for gun-boats. When a change of Ministry took place, the whole Board was altered, new men came in with new notions, or with none at all, quite ignorant of their business, and no one was left to teach it to them, except, perhaps, the second Secretary. Great confusion necessarily ensued, and the House would be astonished when he showed them the expenses of shipbuilding and altering under different First Lords. Millions of money had been squandered in the alteration, re-alteration, building, destruction, and rebuilding of ships, to meet the whims of the ever-changing Lords of the Admiralty. Some years ago he took the trouble of ascertaining the number of ships which had been built and destroyed between the years 1815 and 1849. We had got rid of 13 three-deckers and 2 receiving ships; 153 two-deckers and 22 receiving ships; 20 fifty-gun ships and 9 receiving ships; 180 frigates, from thirty to fifty guns, and 17 receiving ships; 65 frigates of thirty guns; 418 vessels of all descriptions and 20 receiving ships; making in all 920 ships. During that period there had been built 14 three-deckers, 49 two-deckers, 73 frigates from thirty to fifty guns, 39 frigates under thirty guns; 141 vessels of all descriptions, not including small craft and steamers. In addition to the expense of breaking up ships, no less than 28 had had their sterns altered under Sir W. Symond's plan, and 26 under other plans; 58 ships had had their magazines altered—some of them three times and 8 of them twice. The expense of cutting down a frigate was upwards of £52,000. From 1821 to 1849 the Estimates for the Navy amounted to upwards of £156,000,000, of which more than £44,000,000 were expended on the dockyards. He did not mean to say that it was not necessary to cut down ships, but he was satisfied that the great number of alterations which had taken place were attributable to the changes at the Admiralty. Any mercantile yard managed as were the affairs of the Board of Admiralty would be instantly ruined. As a remedy for these things he proposed that the chief of the Admiralty should hold his office permanently, independently of any change in the Ministry. He did not go the length of Sir G. Cockburn and Sir G. Clerk, who insisted that that chief should be a naval officer, for he (Sir C. Napier) knew that the prevalent opinion in Parliament was that naval and military men were only fit to be shot at, and that civilians were the only men that knew how to manage the business of the army and navy. Lord St. Vincent made a good First Lord of the Admiralty, though Mr. Pitt said he was not fit to be there. The fact was that he found the navy in a very low state. It was his firmness and character which re-established it after the mutinies of the Nore and Spithead. He restored its discipline. It was said that all the great battles were fought under First Lords who were civilians; but what had those First Lords to do with it? What, in the name of God, had a man taken from the House of Commons, and placed at the head of the Admiralty, to do with the battles? The greatest battle, too—that of Trafalgar—was fought when Lord Barham, a naval man, was at the head of the Admiralty. But he gave no credit to him for that which was really due to Lord Nelson, who would have fought and won that great fight with equal success, whether a naval man or a civilian was at the head of the Admiralty. He believed, with a comparatively trifling alteration in the present system, that the Admiralty would be much more efficient. Sir James Graham did a geat deal, he must confess; he was the first that did reform the Board of Admiralty. The plans which he (Sir C. Napier) had recommended to Lord Melbourne and Lord Althorp had been partially carried out with respect to the registration of seamen, and some other points connected with manning the navy. There was one very important point, and that was the discharge of the continuous-service men. This he thought was objectionable. They were discharged of their own free will, it was true, but the discharge was, nevertheless, objectionable. He understood that there had been an order sent down to Portsmouth to discharge all the first-class boys who were just beginning to be useful —that was to say, with their own consent; but sailors were fond of change—and then all the novices who had been taken from the plough tail and trained into ordinary seamen, were also to be discharged. These men ought not to be discharged at all, but they ought to be taken for five years instead of ten, and when discharged at the end of five years, allowed to re-enter for five years more. He understood that several different orders had been sent down—that, in fact, the telegraph was constantly at work, and that the commanders at the ports hardly knew what to do. He would not deny that the present system looked well on paper—the Navy Board, the Transport Board, and the Victualling Board being abolished, and one of the principal dockyard officers being placed at the head of the victualling, another at the head of the storekeeper's, and a third at the head of the surveyor's departments. Nothing could be more correct, and he believed that when well carried out it would be found to work well. When, however, the Bill effecting this change in the constitution of the board was brought in, Sir G. Clerk and Sir G. Cockburn said that the real power would fall to these officers without the responsibility. He feared that as the system was worked this was very much the case. There was, he believed, no necessity for having a lay lord, as at present, over the accountant general. That officer should have supreme command of his own department. There should then be officers at the head of the medical, victualling, and surveyor's departments. He would return to the old practice of placing the Vice Admiral of Great Britain at the head of the surveyor's department and store department, who should conduct the whole correspondence with the dockyards, should be responsible for their management, and should from time to time thoroughly inspect them, instead of paying them a visit once a year, as was now the case, a hurried visit, which was more a journey of pleasure than anything else. The Rear-Admiral of Great Britain should have the superintendence of the victualling and medical departments, and should inspect the ships, if necessary. These two Officers would hoist their flags when they went to the outports; their names would carry authority with them and would be respected; and he was perfectly convinced that if this were done enormous sums of money would be saved, and that there would be greater economy and efficiency throughout the entire service. With regard to the Admiralty, the fact was that at present the First Lord was not considered responsible because there existed "a Board." Now, he (Sir C. Napier) would give the First Lord more power, and make the position therefore one of greater responsibility. He had no objection to the present occupant of this office, because the right hon. Gentleman did as well, perhaps better, than any other layman. But he would make him Minister of Marine, occupying an analogous position to that of Minister for War, having under him the vice and rear admirals, and assisted by a captain of the fleet in the duties which, as a civilian, he could not be supposed to understand. [*A laugh.*] Yes, there were very many duties of this kind; in fact, if they placed civilians at the head of the Admiralty the Government might just as well take a naval officer and make him a bishop. As Minister of Marine all orders would emanate from him, and he would have under him two Secretaries, a civilian and a naval Secretary. The advantages of this arrangement would be that when it was desirable to issue secret orders, no one would know anything about them except the First Lord and one of his Secretaries. And, moreover, every officer would in every case know whom to obey. The Minister, the vice and rear admirals, the captain of the fleet, and the two secretaries would be quite enough to do all the work. In fact, the fewer men you had the better, for then you got more responsibility, and were not bothered by having half-a-dozen people all pulling different ways. The House should remember that it was not until the calamities of the late war that the War Department was remodelled, and they might depend upon it that if something were not done, and done speedily, to improve the management of the navy, we should be visited with a series of disasters. He would remind them of what had befallen the English navy in the war with the United States, when so many of our corvettes and frigates were taken into American ports. He admitted that they were inferior to their antagonists in guns, scantling, masts and yards. But still our ships did not inflict so much injury on the enemy as they should have done. The Americans were, in fact, a young nation, paid more attention to the navy than we did, and were proud to beat their cousins. Immediately after this Napoleon sent out nine frigates, and although five of them were taken, there were no fewer than four drawn battles. Since the war the French navy had got into a high state of discipline, their ships were just as good as ours, and, above all, they could man their fleets when we could not. What we wanted was a better system and better management, so that our ships might be efficiently manned. Unless this were done disasters would surely befall this country, and when once we lost our naval superiority our reign was over. Let the House look at our condition at the present moment. We had no Channel fleet. In a few months we should not have a line-of-battle ship in England, and in case of a sudden war with France and Russia he did not believe the Queen's throne would be worth six months' purchase. ["Oh! oh!"] Hon. Gentlemen might cry "Oh! oh!"; but what should we do? Our ships were not ready—that is to say we had none but trash at different ports instead of having some of our best ships at home—and how then was the country to be defended? He did not wish to say anything which would give offence, he only wanted to open the eyes of the country; and he repeated, therefore, that if France and Russia were to unite together to-morrow this country had not the means of self-defence. He knew from experience the want of system and preparation. He had been in action; he had been beaten; he had had his thighbone broken, simply because his ship was badly manned and the crew badly disciplined. Look at a London mob, which a handful of cavalry could easily disperse. Well, a mob on board ship was not a bit better. When he fell in with the Miguelite fleet, which was double or treble his force, one of the enemy's ships was first boarded by his captain and his son, now no more, and they were hardly followed by a single man of the crew. Yet these were British sailors! And out of the fifty marines only three boarded! Why was this? Because the men were undisciplined, and had no confidence in themselves. True, the Miguelite fleet was taken. [*A laugh.*] Yes, but by all the rules of warfare it was the British fleet which ought to have been taken. The proper manning of our vessels was of the last importance. As well build forts upon land and not garrison them as man inefficiently our floating forts. If we put badly-disciplined men into them, what in the name of God would they do with

68-pounders? Why, they would be afraid to touch them! The First Lord of the Treasury was responsible for all this, and if his Lordship were to stand up in the House and to say that he would not remain at the head of the Government unless an efficient fleet were constantly maintained, he would be supported by the House and by the country. This fleet need not be a large or expensive one, but it ought to be in high order, commanded by young, energetic officers, and thoroughly well manned and well disciplined. If they had a properly-manned fleet that fleet would defy the world. He knew what British seamen were, and he knew that when they got accustomed to each other and to the work, they had a skill and boldness that nothing in the world could face. However, when the sailors they sent out were men picked out of the street for the occasion, their fleet was not well manned. It was said that they could teach a soldier his evolutions in six months; but they could not teach sailors to fight the guns properly and act as disciplined men in any time much short of a year. He hoped the House would agree to his Committee, and he would undertake to show before it that the present state of the Admiralty could not be maintained except at a great risk. He wanted no First Lords on this Committee—no prejudiced persons, but a Committee that would go into the question with unbiassed minds and examine naval officers, and, if they pleased, the Board of Admiralty itself. He knew that many of the present Board of Admiralty disapproved of the system, if they would only stand up and say so, and if the House would grant this Committee he would produce them and many naval officers of experience before it who would fully prove every proposition which he had laid down. The hon. and gallant Admiral concluded by moving for the appointment of a Select Committee to inquire into the constitution of the Board of Admiralty, with the view of rendering it more efficient and better adapted to the various duties it has to perform.

Mr. BENTINCK seconded the Motion. It was not his intention to advert to the many points which had been adverted to by his hon. and gallant Friend. If he did so, he could have no claim to the attention of the House; but there was one point on which, although his hon. and gallant Friend had passed it over as hopeless, it was competent for any man to form an opinion, and which was very closely connected with the well-being of the country at large. He alluded to the practice of placing civilians at the head of the Admiralty. He considered that practice to be anomalous, he might say absurd. In saying that, he wished it to be distinctly understood that he was not impugning the abilities of the right hon. Baronet or his predecessors at the Admiralty. So far from that, he admitted the abilities of that right hon. Baronet, for whom he had great respect, and he thought that he and his predecessors deserved great credit, for they had been placed in circumstances of the greatest difficulty; still to the practice he objected, as most injurious to the well-being of the service, and as being absurd. Looking at the other branch of the war service—what, he asked, would be thought of any hon. Member who should stand up in that House, and propose the appointment of a civilian as Commander in Chief? Yet he believed it would be easier to find a civilian capable of filling that high office than one competent to act as First Lord of the Admiralty; and the inconvenience of such an appointment would be much less, as the duties would be more easily learnt. In all other departments it was the profession—if not always the practice—to appoint the man who was best fitted for the post; but how was it possible for a civilian, however great his talents, appointed for the first time to the office of First Lord of the Admiralty, to discharge the duties of that office satisfactorily? This appointment of civilians, then, he looked upon as a great evil; and, with the hon. and gallant Admiral, (Sir C. Napier) he believed that evil to be much increased by the frequent changes of First Lords. A civilian who had been for some years in the office was more competent to discharge its duties than a civilian just introduced at the Board, and whose previous habits had not been such as to prepare him for the very responsible task which he was about to undertake. The House was told that the evil was counteracted by the ability of the permanent servants of the Crown. He believed that nothing could be more meritorious than the services of those permanent officers; but if permanency was in their case attended with such good results, why was not permanency extended to the higher grades? Again, the system of divided responsibility—the system of the orders of one day being countermanded by those of the next—was one under which it was impossible for things to go right. He commended the present First Lord for the course he had adopted on the Motion of his (Mr. Bentinck's) noble and gallant Friend the Member for Sandwich, when the subject of the comparative merits of frigates and three-deckers was before the House. On that occasion the First Lord took upon himself a responsibility which others in his position might have sought to evade ; but why should the right hon. Baronet, a civilian, be placed in the position of having to decide as to the number of vessels of each class that ought to be built ? The system of placing a civilian at the head of the navy was so anomalous, that when it was knocked on the head people would wonder that it ever existed. He (Mr. Bentinck) trusted that, under all the circumstances, the House would grant his hon. and gallant Friend the Committee which he asked for.

MR. BERNAL OSBORNE was afraid that the speech of the hon. and gallant Admiral had been so discursive, that he should find it totally impossible to follow him through all the points on which he had touched. The point upon which he chiefly insisted was, that the First Lord of the Admiralty was not a permanent officer. Under our Parliamentary system none of the Members of the Government were permanent, and it would be impossible to have a permanent officer at the head of the Admiralty with a permanent officer nowhere else. It would be an agreeable thing to many, if they could. It was said that the Duke of Cambridge's appointment as Commander of the Forces was permanent, but that was not a parallel case. He was in a totally different position. He was not a Cabinet Minister. The Secretary of State for War, who was the head of the military establishments of the country, was the functionary who answered to the First Lord of the Admiralty, and he was not a permanent officer. The changes which the hon. and gallant officer suggested were no changes at all. According to his plan, the Board of Admiralty was still to be a Board, but it was to be called a Council. The First Lord was still to be First Lord, but was to be called the Minister of Marine. What happened when they had a Lord High Admiral? They had a Council—the very thing that the hon. and gallant Admiral proposed. And what happened then? Sir G. Cockburn complained and a change took place, and they went to the Board again. The hon. and gallant Officer in moving for this Committee, had quoted frequently from his own book on the navy. He did that before, and the result was to send his book through another edition, from the number of copies wanted by the Admiralty and by hon. Members. Probably his reference this evening would lead to the remainder of the stock being sold off. He had cited a letter (quoted at page 84) which he wrote to Sir G. Pechell, but he had omitted to inform the House that in that letter he recommended that the purchase system—a system which in the army the House was rather disposed to question—should be introduced into the navy. The gallant Officer had also referred to a pamphlet written by Sir G. Cockburn—or rather not a pamphlet, but some loose notes which were left by that gallant Officer, but which were unfinished and not intended for publication. Sir G. Cockburn, who was a long time at the Admiralty, had many quarrels, not with civilians, but with the naval officers at the Board, and in consequence of those quarrels he left the notes to which the gallant Officer had referred. But what opinion did Sir G. Cockburn express in that House? In 1820 he said that :—

> "He had no hesitation in stating, and in staking his private as well as his public character on the statement, that it was necessary that the Admiralty Board should remain constituted as it was at present."

[Sir C. NAPIER: That was just when he came into office.] Five years later he said :—

> "Speaking from the experience which he had had, he would say that he was sure that any alteration in the Board's present constitution would be injurious to the best interests of the country."

Probably, when Gentlemen went out of office, as when they left their commands, they changed their opinions as to what was conducive to the best interests of the country ; but those were the opinions which Sir G. Cockburn expressed in that House. If he were rightly informed, in the year 1846 the hon. and gallant Admiral applied to be put on the Board of Admiralty. He could refer to his own pamphlet. [Sir CHARLES NAPIER: The page?] Page 213. This was Lord John Russell's letter to him :—

> "You may remember when you applied to me in 1846 for a seat at the Board of Admiralty, then about to be formed under Lord Auckland (a civilian), and I stated my opinion that your services would be more useful to the public in a naval than a civil department."

He thought it rather extraordinary that the hon. and gallant Admiral, having applied for civil service under a civilian First Lord in 1846, should in 1857 come down and tell them that it was impossible to carry on the naval affairs of the nation with a civilian as First Lord. He (Mr. Osborne) had a word or two to say about civil and naval First Lords. There had been a great many naval First Lords, and, although their appointments had been received with great approbation by the navy, yet they had generally ended by giving the greatest dissatisfaction. And the Parliamentary inquiries into the administration of the navy had occurred under naval, and all the great improvements had been introduced by civil First Lords. The institution of that gallant body of men, the Royal Marines, the inspection of the dockyards, and the auditing of the accounts, were all due to Lord Sandwich, a civil First Lord, than whom no man had ever been more successful at the Admiralty. These improvements were opposed by the Controller of the Navy, who was always either an admiral or a captain. Of the administration of Lord Keppel, a distinguished naval commander, Lord Shelburne said, that "peace was necessary since the discipline of the navy had become so bad." Lord Howe became First Lord in 1787, and in 1788 debates occurred both in that House and in the House of Lords, with regard to the favouritism exhibited in his promotions. Mr. Fox said in that debate—

> "He approved Lord Howe's conduct while at sea, but his merit and ability vanished when the naval Lord got on shore."

Lord St. Vincent, whom the hon. and gallant Officer had referred to as a successful naval First Lord, was the most unfortunate man who ever took office at the Admiralty. A Motion was made in that House calling him to account, because, to reduce the Estimates, stores had been sold to France. In the course of the debate on that Motion, in 1804, Mr. Pitt, in one of his celebrated speeches, said:—

> "I am apt to think that between Lord St. Vincent, as a commander and as a First Lord of the Admiralty, there is a very wide difference. He is much less able in a civil than in a warlike capacity."

[Sir C. NAPIER: What did Mr. Fox say?] Mr. Fox on that occasion voted against Mr. Pitt, but he did not say anything in favour of the civil capacity of Lord St. Vincent. [Sir C. NAPIER: Yes, he did.] Then the hon. and gallant Admiral ought to be ready with his quotation. Lord Barham had been thirty years Controller of the Navy, and he was made First Lord to get rid of him at the Council, and he (Mr. B. Osborne) believed that his Lordship never sat at the Board. The gallant officer was guilty of a little inconsistency in speaking of Lord Barham, because, while asserting that the First Lord of the Admiralty had nothing to do with fitting out fleets, he claimed for that officer the credit of having equipped the squadron which won the battle of Trafalgar. He should maintain that the duties of a First Lord of the Admiralty partook as much of a civil as of a naval character, and he might add that, with the exception of the case of Lord Barham, nearly all the great naval actions which had been fought upon the part of this country had been fought under the administration of civilians. A civilian had been at the head of the Admiralty when the victories were won in 1794, when that great victory was gained under Rodney, and the battles of the Nile and of Copenhagen had been achieved under similar auspices. The hon. and gallant Admiral must not forget that the efficiency of a fleet depended very much upon the selection of a proper officer for its command; and he very much doubted whether the appointments which had been made under the direction of naval First Lords had been so satisfactory as those which had been made by civilians, with perhaps a single exception. He might also observe that the greatest improvements which had ever been introduced into the navy had originated under the administration of civilians. In the year 1834, for instance, Sir James Graham had effected a saving in the service of £1,200,000 by a consolidation of the different Boards of Admiralty, and had introduced—that which had never previously been the case—that system of auditing the naval accounts to which they were now subjected. He (Mr. Osborne) by no means desired to lay it down as a rule that a naval man should never be appointed to fill the office of First Lord of the Admiralty. Far from it, he should wish to see a naval man, who was fitted for the position, occupy it as well as anybody else; but what he objected to was that the House should be asked to stultify itself by coming to a decision that a naval man alone should be placed at the head of so important a department. The hon. and gallant Admiral had thought proper to indulge in several remarks with respect to the constitution of the Board of Admiralty, and had stated that his (Mr. Osborne's) late colleague, Mr. Phinn, had resigned his office because he objected to being obliged to sign letters which he could not read. Now, he was in a position to say that Mr. Phinn had resigned for no such reason. He could not have had, as the hon. and gallant Admiral seemed to think, a conscientious objection to signing letters which he never read, inasmuch as he did read those letters. [An intimation of dissent from Sir C. Napier.] The hon. and gallant Admiral might shake his head, but, unless he could inform him that Mr. Phinn had stated to him the contrary, he (Mr. Osborne) must maintain the accuracy of what he had just said, and he might add that Mr. Phinn had retired from the Admiralty because he preferred returning to his profession to continuing in the office which he held in that department. The hon. and gallant Admiral, however, had gone on to talk about the circumstance that private letters had been written, but he (Mr. Osborne) felt astonished that the gallant Admiral should have made any allusion to that subject, considering the use which he had upon a former occasion made of the private letters of his (Mr. Osborne's) right hon. and gallant Friend Sir M. Berkeley. The hon. and gallant Admiral had also contended that a permanent officer should be attached to the Admiralty; but he seemed to have forgotten that there actually was such an officer in the person of the surveyor of the navy. And what was the opinion of the gallant Admiral of the officer who now held that situation? Why, at page 151 of his own work he observed that no better man as a Surveyor of the Navy could be found than Sir Baldwin Walker. The hon. and gallant Admiral went on to add, in not very elegant phraseology, "Give him rope enough, and I will answer for it he will save the service hundreds of thousands." [Sir C. NAPIER: Sir B. Walker is not First Lord of the Admiralty.] The hon. and gallant Admiral seemed determined to keep up a tirade against him (Mr. Osborne); but he, however, did not incommode him, though, no doubt, he thought he did. Sir B. Walker, it was true, was not First Lord of the Admiralty, but then he was a permanent officer connected with the department; and while he remained so, no mistake in the building of vessels would happen through want of professional knowledge. To pass, however, to the book of the gallant Admiral, he was glad to find it there stated

"That the well-being of the navy depended so much upon the management of the Minister at the head of the Admiralty; that in order to be acquainted with the merits of that functionary and of the Board generally it was only necessary to see whether the ships were in an efficient state, well commanded, well officered, and well manned."

Well, what, he would ask, was the present state of the navy? He believed that it had never been more efficient. Referring even to that fleet which the hon. and gallant Admiral himself had commanded, and which he was so fond of maligning, he perceived that it had been spoken of by the Russians themselves in language the most complimentary. In an extract which he had taken from the *Marine Journal*, and which related to the movements of the fleet in Barro Sound, he found it stated that the *Duke of Wellington* had taken the lead in entering the Sound, and had been followed by the rest of the fleet, which had anchored in the most splendid order. The extract went on to add that the vessels had proceeded through portions of the Sound where no Russian pilot would have ventured to take deep-sea ships. Such was the nature of the Russian testimony as to the efficiency of the fleet which had been under the command of the hon. and gallant Admiral in the Baltic, and he was astonished to find that the hon. and gallant Admiral should have seized the present moment to give expression to the opinion that, in case of invasion, the throne of the Queen of England would not be worth six months' purchase. Indeed, if he had not been aware that the hon. and gallant Admiral entertained notions somewhat wild and extravagant upon the subject which he had that evening brought under the notice of the House, he should feel ashamed of one who, in his position, could venture upon such a remark. While we had a navy in so efficient a state as that which we now possessed, with such men directing its management as Sir R. Dundas, Sir M. Berkeley, Captain Milne, and Admiral Eden, who would never cease their exertions if they thought that the throne of the Queen of England was in the slightest danger—he felt assured that the House would see how little foundation there was for the alarm of the hon. and gallant Admiral, and how little necessity existed for a Motion to alter the constitution—or rather to change the name, for that was what the hon. and gallant Admiral really proposed—of the Board of Admiralty. He trusted, therefore, that the House would, by a large majority, reject the Motion, which, if carried, could in no way tend to the benefit of the public service.

SIR GEORGE PECHELL said, he thought it was quite clear that the hon. Gentleman who had just sat down carried a good many guns, and that he had used them somewhat unsparingly against the hon. and gallant Admiral who had brought forward the Motion. Although he did not concur in all the sentiments expressed by the hon. and gallant Admiral, yet he thought there were some grounds for his Motion. He doubted very much whether any weight ought to be attached to the opinions of Sir G. Cockburn, because he held a seat in that House for seventeen or eighteen years, and never said a word with regard to the constitution of the Admiralty when that subject was brought forward on the Motion of Sir Charles Napier. In his enumeration of First Lords, the hon. Gentleman (Mr. Osborne) had omitted to mention Earl de Grey, who was one of the best civil First Lords of the Admiralty which he (Sir G. Pechell) recollected. He regretted, moreover, that the hon. Gentleman had not gone more fully into the history of the civil administration of the Board of Admiralty, and had not brought his observations upon that head down to the Boards of Admiralty of the present day. The Duke of Northumberland when at the head of the Admiralty, an appointment he (Sir G. Pechell) had hailed with the greatest satisfaction, although he was directly opposed to him in political opinions, had a glorious opportunity of accomplishing those necessary reforms which others had been frightened from attempting. The noble Duke should, for instance, have resisted the abstraction of their half-pay from the poor officers in Greenwich Hospital, and should have taken an independent course apart from all political consideration. Complaints had been made that Englishmen were always found exclusively at the Admiralty. It would, however, be more correct to say, that the current had run in favour of Scotchmen rather than Englishmen. Lord Melville was First Lord of the Admiralty for sixteen years, the Earl of Minto for six years, and the Earl of Haddington for five years. Irishmen certainly did not appear to have held the chief post; there was, however, one famous Secretary from that country who ruled supreme at Charing-cross for near a quarter of a century. He contended that a naval officer should not be disqualified for the post of First Lord of the Admiralty. [Sir C. WOOD: Hear, hear!] The Duke of Northumberland might not have owed his appointment altogether to the fact that he was a naval officer, but still it was a step in the right direction, and he highly approved of the constitution of the noble Duke's Board—not so much of the men themselves as of their being all naval officers. In Lord Melville's time, four out of the seven Lords of the Admiralty were civilians, and they were therefore strong enough to outvote the naval Lords upon all questions. Such a state of things could not be satisfactory either to the profession or the public. He was ready to admit that the last two or three Boards of Admiralty were well deserving of the thanks of the country. Of "present company" he did not like to speak, but the services of one officer who was absent ought not to be omitted upon a discussion affecting the constitution and character of the present board. He referred to Sir Maurice Berkeley, who had been captain and Admiral for forty-three years, and who had been for thirteen years and four months at the Board of Admiralty, and who in every respect was fitted to take the chief command at the Board. He knew the zeal and activity of that hon. and gallant Officer in manning the fleet and in carrying out reforms and improvements in the food, clothing, and pay of seamen, and it was satisfactory to know that those improvements had greatly promoted the efficiency of the service. The present Government was stated to be in favour of reform and retrenchment, and whether those principles would be carried out at the Board of Admiralty remained to be seen. He thought the constant shifting and changing of the Board of Admiralty calculated to prevent the First Lord from knowing the best men for particular commands, but whether his hon. and gallant Friend (if he got his Committee) would be able to induce the House to recommend an alteration of the present system of forming Admiralty Boards, he would not venture to assert.

MR. KER said, he thought this was not the most favourable time for bringing forward such a Motion, as the navy had greatly distinguished itself in the late war.

He wished, however, to draw the attention to the facilities offered under the existing system to foreigners for obtaining detailed information with regard to plans and shipbuilding in the Government dockyards. The problem was not yet solved how large and how broad our men of war ought to be, and it was very important that some reserve should be exercised as to the experiments in progress. A very distinguished person was expected to arrive shortly on a visit to this country. He was very much interested in naval affairs, and would no doubt visit our dockyards, to which he should be the last to object. But he objected to facilities being afforded to foreigners to obtain plans and drawings of ships, which, when put into the hands of an imitative people like the Russians, would enable them to build them almost as well as we could. In 1852 he met at St. Petersburg a gentleman employed in the Russian service, who showed him a large design of the Duke of Wellington line-of-battle ship, then in the course of being built in this country. He thought that means should be taken to prevent such designs from getting into the possession of foreign countries. A Russian, like a Chinaman, was very expert in making models from designs, and could turn out as perfect a piece of work with an axe as an English carpenter could do with all his tools.

ADMIRAL WALCOTT: Having been unaware of the precise manner and terms in which the hon. and gallant Member (Sir C. Napier) proposed to introduce his Motion for securing the better administration of the Admiralty, I am unable to direct my observations to the subject in that way which I should have desired. Concur I do in many of the observations of the gallant Admiral, but not in all. I consider it of the highest importance that the naval authorities should pay close attention to the progress in science and the improvements made in the fleets of foreign countries. I agree in opinion with the noble Lord the Member for Sandwich in the advantage of a Board to assist the Admiralty in improving the construction of our vessels of war, but then it should not be restricted, as he has proposed, to naval officers, but composed of experienced and scientific men, who should receive the suggestions and consider the inventions of those who have turned their attention to improvements in naval architecture and other inventions pertaining to the naval service—men able to determine and direct to the best advantage the inventions submitted to them from time to time by those who devoted their whole thoughts to the improvement of naval architecture. When it was remembered that towards the close of the last European war we had nearly 1,000 men-of-war in commission, there was nothing surprizing in the fact mentioned by the hon. and gallant Admiral (Sir C. Napier), that we sometimes found ourselves at a disadvantage with the Americans, because it was manifestly impossible to have the whole of such a vast number of vessels efficiently manned, and it was not to be expected that a small ship should be able to contend successfully with a larger. But what a British vessel could do when fairly matched was shown by the *Shannon* frigate, which, under the command of Captain Broke, beat an American frigate in the short space of fifteen minutes. Such examples of British courage and seamanship showed that there was no danger to our supremacy on the seas. I regret the hon. and gallant Admiral should think we were open to invasion, but I am comforted by the reflection, that in the event of a hostile force approaching our shores—a contingency which I confess I do not regard as very probable—we could in a week encircle our coasts with an ample number of steamers sufficiently armed, and there was not a seaman connected with our mercantile marine who would not be glad to join our standard. It has given me great pain to hear that the late Admiral Sir George Cockburn, whom I had always deemed a high-minded man and an able officer, possessing the highest qualifications, had not the manliness—I can use no other word—when he occupied a seat in this House, to express the sentiments which he regarded as of importance to the interests and welfare of his country, but had left them in memoranda to be made known after his death. Sir George afforded another instance of how differently men in office and men out of office thought and acted. Sir, nothing can astonish me more than the statement of the hon. and gallant Admiral (Sir C. Napier), which I trust to be far from correct, that the Naval Lords of the Admiralty sat at the Board as it were with ropes round their necks. All I can say is, that if they have not the courage to speak their sentiments when they supposed the interests of this country to be in danger, that I hope the rope will be tightened until they were strangled. I do not believe, however, that there is one man in my profession who could be guilty of such dastardly conduct. Undoubtedly there has prevailed in the service from the period of my admission into the navy up to the present time a distrust of the motives on which the patronage of the Board of Admiralty has been bestowed, whether in promotion, employment, or the recommendation of officers to the Sovereign for honours. This painful feeling can only be removed by making the Naval Lords of the Admiralty responsible with their political chief on every occasion for the exercise of that high trust. They necessarily would be regarded by the profession as the competent authority in all matters of detail, and naturally would weigh the personal recommendation of the individual, unbiassed by party favour or interest of family connection. As the case stands now, officers are appointed and reappointed to ships and commands. In some instances these die, and thus the profession not only loses those who have acquired experience, but actually loses also the services of their survivors, who had been so debarred from opportunities of service. I trust some change will, ere long, take place in this respect. I do not care one straw whether the Head of the Admiralty is a naval officer or a civilian, provided he impartially devotes his whole time and energies to the improvement of the service and the promotion of our national interests.

Lord CLARENCE PAGET said, that several hon. and gallant Members had entered very minutely into an argument as to the merits of a naval or none-naval First Lord. On that point he would say as few words as possible, because he believed the present system worked, on the whole, most advantageously for the country. What he wished to remark was that the House ought not to be led away by the opinions of Sir George Cockburn—a man who, although a high authority, and one of the greatest naval officers England ever produced, was well known towards the latter end of his life to have exhibited a certain impatience of control and an uneasiness at the criticism of other members of his Board. He lamented that so great a man should have ever left such an unfinished and, he might add, unreasonable plan as that which had been described, as a legacy to his country. The tone and temper of the document showed that it had been written under the influence of strong excitement and amid circumstances incompatible with the frame of mind in which any man ought to draw up a scheme to remodel our whole naval administration. There was one paragraph in Sir G. Cockburn's pamphlet which at once showed that the work could not be consulted with propriety in reference to any changes in the Admiralty. After stating that he was obliged to abandon various measures from the opposition of one or other of the members of "this disjointed ruling body,"—an opposition, too, springing from parties having no professional knowledge on the matters under consideration, and whose objections were therefore based on what had been suggested to them by some irresponsible person out of doors, Sir George Cockburn went on to say that, indeed, during his long seat at the Admiralty Board, the annoyances to which he had been subjected from these causes had kept him in a perpetual state of anxiety and perplexity, and had required the exercise of the utmost forbearance on his part to admit of his retaining a position so little consistent with the efficient conduct of the multifarious affairs of the navy. As a naval man, he (Lord C. Paget) knew under what circumstances this passage was penned, and that this great and good man was suffering under what amounted almost to mental aberration, in consequence of the disputes which then prevailed in the Admiralty. He, for one, would never admit that a naval officer was unfit to administer the navy, or to fill the office of First Lord; but after a careful study of past history on this subject, he could not find that during a purely naval administration the service had derived any peculiar advantage. In fact, our bygone naval administrations had, on the whole, been unsuccessful. Those who served in the navy and had had experience of the admirable arrangements for arming, equipping, and fitting out our ships must feel that a deep debt of gratitude was due to the present Board of Admiralty, and also to the right hon. Member for Carlisle, whom he begged to thank for the very flattering manner in which he had spoken of his (Lord C. Paget's) humble services. Under these circumstances, he should be sorry to see a Committee formed to displace the existing machinery, which had worked so well.

Mr. WARRE hoped that good faith would be rigidly kept with the continuous-service men of good character who wished to remain in the navy, and that the House would not grudge any extra charge which such a course might entail upon the country. The hon. and gallant Admiral who spoke of the throne of Her Majesty being in danger went entirely on the hypothesis that France and Russia might combine to assail this country. That, it was to be hoped, was but an improbable event; yet if it unfortunately occurred, and we had an inadequate force at home, it was obvious that our shores would be in considerable jeopardy. [Sir C. NAPIER: Hear, hear!] Burke had, in 1786, warned this country of what the French were doing at Cherbourg, and the French had never, since the age of Louis XIV., lost the system of naval and military conscription; nor had they ever lost sight of Napoleon's scheme of invasion. The internal communication of France was now by the railroad system so improved that she had the power of manning very rapidly a powerful and formidable navy, and she possessed great powers of obtaining men. It was all very well to rely on a steam navy, but a navy was no good without men; and he felt that it was true wisdom and economy to keep our navy well manned, for which reason he strongly recommended that good faith be kept with our "continuous-service" men.

MR. LINDSAY said, he had not heard from the Secretary of the Admiralty any answer to the reasons put forward by his hon. and gallant Friend (Sir C. Napier) for the appointment of a Committee. He should support his hon. and gallant Friend because he believed that the present management of our navy required an inquiry. Even if the system were unsusceptible of improvement, an inquiry could do no possible harm. Great expense was incurred in our dockyards by the continual alterations of ships; nor could they lose sight of the various contradictory orders issued by the Admiralty; nor of the fact that no change had been made in the constitution of the Admiralty; and yet when we were suddenly involved in a great war with Russia, everyone must feel that there was something radically wrong in that department. A great change had been made in the administration of the army. He thought a great change could and ought to be made in the administration of the navy. He admitted there were some able men at the Admiralty; but what was the use of that, unless the opinions of those men had their due weight? Believing that an alteration ought to be made in the constitution of the Board, he would vote for the Motion of his hon. and gallant Friend.

SIR CHARLES WOOD said, he wished to say a few words in reference to some remarks of the hon. Member for Ripon (Mr. Warre), with respect to the continuous-service men. He begged to say that no order had been given for the discharge of continuous-service men, and no men of that class who were men of good character had been discharged, except upon their own request. Some men of bad character or physically unfit for further service had been discharged, but even including all such men the number discharged did not exceed 100. An order, however, had been sent down to the ports that all seamen, whether entered for continuous service or not, who wished to leave the service should be permitted to do so. That he could not admit to be anything like a breach of faith. Taunts had been thrown out of contradictory orders being issued upon this subject, but he could state positively that no contradictory orders had been issued. He should not imitate the hon. and gallant Admiral in going back to the constitution of the naval administration in the time of Edward the Sixth, nor did he think this the proper occasion to enter upon the subject of manning the navy, which he regarded as entirely distinct from the question as to the composition of the Board of Admiralty which the hon. and gallant Member for Southwark had raised. The hon. and gallant Member for Sandwich (Lord C. Paget) had given a very just explanation of the memorandum of Sir G. Cockburn which had been so much referred to. That gallant Officer had not agreed very well with all his colleagues at the Board of Admiralty, and it was evident from the tone of the memorandum that it was written under feelings of some irritation. The proposition that there should be a naval Commander in Chief, with a civil officer below him, was simply a repetition of the old arrangement for the army of a Commander in Chief and the Secretary at War, which had been lately abolished as inconvenient. The hon. and gallant Admiral's proposition had been shown by the Secretary to the Admiralty to be little more than a nominal change from the present system, and it mattered little whether the head of the navy was called First Lord or Commander in Chief, as the civilian First Lord was advised in all naval matters by the senior naval Lord. He did not mean to contend that naval men were or ought to be incapacitated from presiding over the Admiralty, but he said it was not necessary that the First Lord should be a naval man. Indeed, even in command of a fleet or of an army, how much there was which was not of a naval or a military character. The truth was, a great portion of the business transacted at the Board of Admiralty required little or no naval knowledge—such as the purchase of timber-stores, victuals, building materials—all of which matters, it was evident, needed no naval knowledge. Take the late campaign in the Crimea. Why, the chief failures were in such matters as required no military knowledge—such as the supply of stores and provisions, the construction of roads, and the medical department. If this was so in the field, how much more was it the case in the administration of the department at home? The hon. and gallant Officer proposed that the principal Officers should be rendered independent of the Admiralty; but he (Sir C. Wood) believed that the present system was much the best. At present the principal Officers had their separate departments, and in matters of detail acted for themselves. If any matter of great importance arose they referred to the Lord superintending their department, and if the matter was of still greater importance it came before the whole Board. It was quite impossible that the whole Board could attend to every matter of detail, neither was it desirable. When any matter of great importance had been brought before the whole Board and had been decided upon, its execution was always left to the Lord in whose department it was. The hon. and gallant Officer proposed to create officers, with the title of Vice-Admiral and Rear-Admiral of Great Britain, to give orders about stores and such matters; but that was done now by junior Lords of the Admiralty, and the public services would not be promoted by any mere change of title. The proposed change would be purely nominal, except that it would deprive those officers of the opportunity they now enjoyed of consulting their colleagues whenever any matter of difficulty arose. Then, again, with respect to the proposed changes in the mode of governing the dockyards, apart from the Admiralty, he was not disposed to regard it with favour, believing that the present system of visitation tended to the public advantage by keeping the Board of Admiralty acquainted with what was going on, and rendering it necessary for the dockyard authorities to be prepared to meet those periodical inspections. For himself, he must say, he thought the best form of government for the navy was a board of naval officers, presided over by a chief, whether a civilian or a naval officer did not matter much so long as he possessed a competent knowledge of public business; and such a board, he believed, was preferable to the scheme of the hon. and gallant Admiral, from which, in fact, it differed little save in name.

SIR CHARLES NAPIER, in reply, said, the Secretary to the Admiralty had taunted him for not alluding to his advocacy of the sale of commissions in the navy, but that had nothing to do with the present question. He had also taunted him with having offered to serve on the Board of Admiralty under Lord J. Russell's Government; but the fact was that he had written to him for his services generally, and it did not follow that because the noble Lord had written to him to say that he could find him a more fitting place than a Lordship in the Admiralty, he had applied for such a post. The hon. Secretary to the Admiralty had not acted wisely in taking advantage of his (Sir C. Napier's) observation that the Queen's Throne would be in danger if a particular combination took place. He had simply made use of that expression to show to the country the inefficient state of our preparations. He was very much obliged to the hon. Gentleman for reading an article from a Russian paper, because it showed that the enemy gave him a great deal more credit than the people who governed him. The hon. Gentleman said he was the last man who ought to complain of use being made of a private letter. Sir Maurice Berkeley made use of his private letters, but, as Sir Maurice was not present, he avoided saying a single syllable on the subject. The hon. Gentleman had referred to it, and he therefore felt bound to say that, after the manner in which he had been traduced, he thought he had done perfectly right in taking every possible step to show the manner in which he had been treated. Lord St. Vincent, in a letter to the Admiralty, used the expression that he had long been acquainted with the dulness of the Lords, and he thought a similar letter might have been written by him to the present Board. He had very little more to say in favour of his Motion. The change he proposed was very trifling. He only wanted the Lords of the Admiralty to attend and do their duty. What was the use of them if they were never present at their posts? They ought to see with their own eyes instead of trusting everything to their subordinates. No man could read through all the documents which the Secretary of the Admiralty had to sign, and he had heard that Mr. Phinn resigned the appointment because all the business was left to him to do by the hon. Gentleman opposite.

Motion made, and Question put, "That a Select Committee be appointed to inquire into the constitution of the Board of Admiralty, with the view of rendering it more efficient, and better adapted to the various duties it has to perform."

The House *divided*:—Ayes 35; Noes 152: Majority 117.

LAND TAX.

COMMITTEE MOVED FOR.

MR. WILLIAM A. MACKINNON: Sir, I rise for the purpose of moving, in pursuance of notice which I have given to that effect, "for the appointment of a Select Committee to consider the expediency of a more equitable adjustment of the Land Tax. Also for allowing a further redemption of the same. And whether by any other means the land tax might be made more beneficial to the Revenue of the Country, and to the reduction of the National Debt." Since I placed the notice on the paper, I have received three additional petitions complaining of the unequal and inequitable operation of the tax, and praying that some fair and just mode of levying it may be adopted. It is not my intention to occupy the attention of the House, at this late hour of the evening, with any lengthened observations from myself upon the importance of this question to those who are most deeply affected by it, or on the unjust and unequal manner in which the tax is levied; nor shall I enter into any lengthened details or statistical statements to support my Motion; because if the House will accede to it, and grant me the Committee, that I think will be the proper place for entering into those particulars. Indeed, if it had not have been that I myself was deeply impressed with the unjust and oppressive operation of the tax, I should not have taken upon myself the task of bringing the subject under the consideration of the House at all; but fully satisfied as I am that it is a tax of the character I have described, I feel no hesitation in doing so, as well as in expressing my astonishment how it was possible that in a free country like this such a tax has been suffered so long to exist, and to be paid. Let me ask, then, why is it, or how comes it, that this tax has been allowed to remain so long in existence as one of what I may call the permanent taxes of the country? If we look into the history of the origin of the impost, we find it stated by no less an authority than that of Sir John Sinclair, that the land tax was one of great antiquity, and that when it first came to be imposed it amounted to no less a sum than 4*s*. in the pound, and that that amount was levied not only off land, but that all who were engaged in business pursuits, no matter of what nature, had also to pay it out of the profits arising out of such business or mercantile calling. We also find that it is a tax which almost from the earliest date of its imposition by continued renewal every year, from year to year, until the breaking out of the Revolution in the year 1688; that with the exception of a short interval during that eventful period, it was kept on until the year 1692, the time of the reign of William and Mary; and that during that reign an Act of Parliament was passed by which it was declared to be one of the permanent taxes of the country, and as such it was continued to be levied regularly for over a century, until the year 1798 when the Prime Minister of the time, Mr. Pitt, seeing the pressure upon the Government, of which he was the head, for financial resources, and the necessity of devising some means by which to supply them, he hit upon a scheme for which he got the sanction of Parliament, and that was a power for redeeming the tax. At the time when that power was granted, this tax amounted to no less a sum than nearly two millions sterling, that is to say, to £1,925,000; the result of that measure was, that the public treasury received an accession of something like £21,000,000, or a redemption equal to one-third; but the Act under which this measure was carried into effect by Mr. Pitt, was attended by one most unfortunate mistake; and that was, that statesman still adhered to the Act of William and Mary, and persevered in maintaining this tax in accordance with the rate established by that Act; and as an inevitable consequence, the result of Mr. Pitt's measure was, that all those who did not redeem according to the provisions of his Act were compelled to pay in accordance with the old scale; and in that state the enforcement of the tax has been allowed to be carried on up to the present day. Now, just let the House mark what the consequences have been of this mode of legislation. It has been this, that in a great many instances large parishes, inhabited by a numerous and very poor population, have had to pay this most obnoxious tax to an amount most oppressive to them, while a great many very wealthy parishes have actually been exempt from the payment of a single farthing of the tax. I will substantiate this statement by mentioning a few facts from a document I hold in my hand; it is the Report of the operation of the land tax in the different parishes upon which it is levied, and by it I find, that in the parish of Evesham this tax amounts to the incredible sum of 3*s*. 6*d*. in the pound upon every individual inhabitant of that parish, or in round numbers to about £190 a year. Now, just let me ask what does the House think was the sum paid to the land tax by the rich town of Liverpool? Just £100 a year: and the result in that case is, that each individual there paid only one farthing in the pound, while in the poor parish of Evesham they paid 3*s*. 6*d*. in the pound. So also in Brighton, Manchester, and other wealthy towns, the inhabitants did not pay more than one farthing in the pound. Let us see what was paid by the parishes in this great metropolis. While in St. George's, St. Marylebone, and St. Pancras' parishes they only paid about a farthing in the pound, in St. Ann's, Soho, and in St. Paul's—comparatively poor parishes—they paid 3*s*. in the pound. Thus, while the tax fell lightly on the wealthy community (who ought to pay the whole of it), it fell oppressively on the poor community. The only plan whereby these inequalities of the tax can be remedied, seems to me to be equalization of it. Nothing can be more monstrous than the operation of the tax. The subject is deserving the most serious attention of the right hon. Gentleman the Chancellor of the Exchequer. The evil must be met some time or another, and surely no delay ought to take place in getting rid of so anomalous a system. Sir, I shall not further occupy the time and attention of the House with the subject. In conclusion, I have only to say, that I think I have made out such a case as calls for the appointment of a Committee. I have asked for, and therefore I beg to move that that Committee be appointed in the terms of the notice I have given, and to thank the House for the kind and patient attention with which I have been heard.

Mr. NEATE seconded the Motion.

Motion made, and Question proposed, "That a Select Committee be appointed to consider the expediency of a more equitable adjustment of the Land Tax; also of allowing a further redemption of the same; and whether by any other means the Land Tax might be made more beneficial to the Revenue of the Country, and to the reduction of the National Debt."

Sir JOHN TROLLOPE said, that he had hoped the right hon. Gentleman the Chancellor of the Exchequer would have risen to point out to the House the extreme impracticability of this Committee; and simply because the experiment had often been tried before, both here and elsewhere, to arrange a more equitable adjustment of the tax. The attempt had puzzled every finance Minister, because the impediments in the way of an adjustment were so great. It was clear that the difficulty arose from the assessment of William and Mary having been made perpetual, and the Redemption Act having been settled on that basis. When the tax was originally imposed it was 4*s*. in the pound upon income arising from property of all descriptions. But that was before customs, excise, and other modes of raising the public revenue were resorted to. The only equitable readjustment that could be made, and which was occasionally made by the Commissioners of Land-tax, was a readjustment of the quota of each parish respectively. But it would be unjust to take from the charge of one parish and put it upon another. If the hon. Gentleman was prepared to recommend a reassessment of the tax altogether, let him so state it—let him propose to place a new income tax on the country of 4*s*. in the pound. He did not see how any Committee could deal with the question except by an entire reassessment. At the time the Act was made perpetual the quotas for the respective parishes were settled upon their then value, and consequently in counties where enclosures existed, such as Buckingham, Suffolk, and other anciently-enclosed districts, the highest rate of assessment prevailed, while in a very large extent of country where the land was unenclosed and not then cultivated the tax was of course low. But the hon. Gentleman himself had shown that in the present position of the tax no undue advantage was obtained by the landed interest, which bore the chief burdens, the advantage of a small assessment being entirely with the metropolis and other large towns, which had been so greatly increased in value by building. The difficulty was in making the tax perpetual, which was necessary under the arrangement for redemption. He confessed he did not see how the question was to be dealt with. [MR. MACKINNON: By redemption.] He doubted whether redemption was now practicable. The principle of Mr. Pitt's Redemption Act was that stock should be taken as the equivalent; and during the Peninsular war, when Consols went below par, many gentlemen did redeem the tax on their estates, for it was then a profitable transaction; but the rate of the public funds ever since the peace of 1815 had been such as to admit of no practical redemption whatever, and consequently no one had attempted to redeem. Unless the House was prepared to repeal the Redemption Act altogether, he saw no advantage that could result from a Committee. He reminded the House, too, that in a very short period the time of hon. Members would be more than sufficiently occupied by attendance on Committees to have the number of such Committees unnecessarily augmented. Taking into account the Committees already sitting, and the different Election Committees which were shortly to be appointed, he believed it would be almost beyond the available means of the House to constitute such a number of Committees at one time. He therefore thought it would be a waste of time to appoint a Committee on a subject beset with such difficulties.

MR. NEATE said, that every one would agree with the hon. Member who had moved the Committee as to the unjust and oppressive operation of this tax. With respect to the relative weight with which the tax fell on town and country, it was true it fell much heavier on the country parishes than it did on those in towns; but then the inhabited house-duty was to be taken into account. That of itself was a species of land-tax, and the parish of Marylebone contributed a much larger sum towards it than any of the rural parishes. Before the House entered on a consideration of the question hon. Members ought to have a clear view of the inequalities of the present tax; and of those inequalities he was surprized that the hon. Gentleman (Mr. Mackinnon) did not advert to the most glaring, which was the £48,000 only paid by Scotland, compared with the £1,900,000 which England contributed. That would be of itself a sufficient ground for reviewing this tax; but the real point was, how far the Act of Mr. Pitt precluded the House from considering the question of the restoration of the tax to an efficient and productive source of revenue. He thought the condition of the landed interest was such now that it must be forced upon the attention of the Chancellor of the Exchequer, as that of a class in the kingdom which was by far the most able to bear the weight of increased taxation. All that was done by the Act of William and Mary was to provide for a fresh valuation, and what Mr. Pitt did was to make the tax perpetual; but he made it perpetual as between the Government and the taxpayer in no other way than other taxes had been made perpetual. There were contracts that arose out of that Act which he (Mr. Neate) would not disturb without an adequate compensation to those whose enjoyments under such contracts might be interfered with; but, he repeated, the object of Mr. Pitt was to make this a perpetual tax, as other taxes had been granted in perpetuity before, in order to lay the foundation for a great financial scheme he had for raising the funds—which were then at 50 only—by bringing into the market the landed proprietors as purchasers of stock. The hon. Member read extracts from a speech of Mr. Pitt to show the objects that distinguished statesman had in view in dealing with the land-tax, and he contended that there was nothing in the Act of Mr. Pitt which precluded the House from considering the question in its widest bearing.

THE CHANCELLOR OF THE EXCHEQUER: The dissolution of Parliament, which has given us two Sessions this spring, although it may be a subject of regret to many Gentlemen whose familiar faces we may miss in the present Parliament, has nevertheless been extremely advantageous to my hon. Friend who has brought forward this Motion, inasmuch as it has enabled him to make the same Motion twice in the same season. A short time before Easter my hon. Friend brought before the House a Motion substantially identical with the one we are now considering, and he then stated, in much the same terms that he has used on the present occasion, the reasons for which he thought the House ought to give its consideration to such a proposition. It then devolved upon me to state my reasons for objecting to that Motion; and my hon. Friend admitted the validity of those reasons, and withdrew it. Now, my hon. Friend, in reviewing the material facts of the case, has come to the same conclusion on this occasion, and I hope that he will not think it necessary to press his Motion on the consideration of the House. He must surely be aware that this is a well-understood subject; that it has been repeatedly under the consideration of this House and of Committees of this House; and that the anomalies and inequalities of the present tax are fully admitted by all persons who have given their attention to the subject, but that the difficulty of remedying them arises, not from the perpetuity of the tax, a quality which it has in common with many other taxes, but from the system of redemption introduced by Mr. Pitt, under which some persons who were assessed to the tax have redeemed, while others still remain liable. Now, if we were to depart from the fixed standard and reduce the tax on the latter, while those who had redeemed had redeemed at a higher rate, we should commit an act of injustice. The only way in which we can avoid that injustice is in every case to increase the tax beyond the highest amount at which any person had redeemed. If that course were adopted, no one could have cause of complaint, and that, I presume, is the object of the Motion, which the hon. Gentleman recommends as beneficial to the revenue, and as tending to the reduction of the national debt. I suppose the hon. Gentleman means to bring forward a proposal for a considerable increase of taxation—a plan which would, in fact, amount to the imposition of an additional income tax. Not long ago, with, I believe, the general approbation of the country, we removed what was called "the war 9*d*.," the addition which was made to the income tax during the war. I presume what my hon. Friend wishes to do is to restore some portion of that 9*d*. I think, too, as the hon. Member for Lincolnshire has said, that it would be difficult at this period of the Session, when so many public Committees are sitting, and when it will shortly be necessary to appoint so many Election Committees, to find fifteen gentlemen to sit upon a Land-tax Committee; but, even if we could find a sufficient number of hon. Members to constitute a Committee, we should be delegating to them the formation of a plan for an additional income tax. I doubt whether we should delegate such important functions to a Committee, and I trust therefore, considering the period of the Session and the fact that the Motion was virtually rejected on a previous occasion during the present year, that my hon. Friend will not think it necessary to divide the House.

Mr. WILLIAM A. MACKINNON replied in a few words, and said he supposed he should yield to the remonstrances of the right hon. Gentleman, and withdraw the Motion; at the same time he did entertain a hope that the Government would give the question their serious attention in the ensuing Session.

Motion, by leave, *withdrawn.*

TENANT RIGHT (IRELAND) BILL.

LEAVE. FIRST READING.

Mr. G. H. MOORE moved for leave to bring in a Bill to provide for the better securing and regulating the Custom of Tenant Right as practised in the Province of Ulster, and to secure compensation to improving tenants who may not make claim under the said custom, and to limit the power of eviction in certain cases. It would be in the recollection of many hon. Members that he had last year introduced a Bill on the same subject, which was read a second time with the sanction of the Government. That measure contained some clauses to which considerable objection was entertained, but in the present Bill he had expunged those clauses, or had modified them in such a manner as, he believed, would render them acceptable to the majority of the House. He anticipated that no opposition would be offered to the introduction of the Bill, and therefore would not detain the House with any further remarks.

"Bill to provide Compensation to Tenant Farmers in Ireland for improvements made by them upon lands in their occupation, and to limit the power of Eviction in certain cases, *ordered* to be brought in by Mr. Moore and Mr. Maguire."

Bill read 1°.

MEDICAL AND SURGICAL SCIENCES (QUEEN'S UNIVERSITY) (IRELAND) BILL.

LEAVE. FIRST READING.

MR. FAGAN, in moving for leave to bring in a Bill for securing the more effectual promotion of the Medical and Surgical Sciences in the Queen's University in Ireland, by enabling the ratepayers, if they think fit, of the unions of Cork, Belfast, and Galway, respectively, to provide for the enlargement and better maintenance of certain hospitals in said cities and towns, and for the further extension of the provisions of the Act of the eighth and ninth years of Her present Majesty, to endow new colleges for the advancement of learning in Ireland, said that it was nearly similar to a Bill which had been introduced by the Government about two Sessions ago, but which had contained certain objectionable provisions from which his Bill was free, and therefore it was so far an improvement on that measure. One change which he proposed was that the charge of the maintenance of the hospital should be defrayed out of the poor rate instead of the grand jury cess, thus transferring it from a tax paid entirely by the occupier to one paid equally by the landlord and tenant. He also provided that the workhouse hospitals should not come under the operation of the Bill, and took every precaution to guard the rights and functions of the physician of the hospitals affected by it. His constituents took the greatest interest in the Bill, without which the study of medical science in the locality which he represented would fall to the ground; but, as he did not know what might be the feeling in Belfast and Galway, he had incorporated the clauses of the Towns Improvement Act, so that the Bill would not be put in force without the consent of the ratepayers.

MR. GROGAN expressed his regret that he felt it his duty to oppose the introduction of this Bill, which would have the effect of imposing a new and most objectionable tax upon the people of Ireland. A similar measure was submitted to the House about a year and a half ago by the responsible advisers of the Crown, but it involved so wide a departure from the principle of the poor law that it was withdrawn. That, he thought, was a reason which should induce the House to reject this Motion. He also opposed the Motion on the ground that a Commission was now inquiring into the whole system of education pursued in the colleges, and that the new Secretary for Ireland, who was thoroughly conversant with the subject, had not at present a seat in the House, and was therefore unable to afford them the advantage of his information and opinions. The Bill tended to introduce into Ireland the principle of the law of settlement as it prevailed in England, and that was strongly objected to in Ireland.

MR. J. D. FITZGERALD said, the subject excited great interest among the medical profession in Ireland, especially in the three cities referred to, and the introduction of the Bill did not bind the House to an assent to its provisions. The Government, therefore, did not mean to oppose the Motion to lay the Bill on the table, as a matter proper for consideration. On the second reading the Secretary for Ireland would be in his place, and would then be able to state the course which the Government would take. He therefore hoped the introduction of the Bill would not be opposed.

LORD NAAS did not oppose the introduction of the Bill, but it appeared to contain more than one objectionable principle. It imposed the necessity of paying a rate for the support of hospitals intended for other purposes than the relief of the poor, and to change the present control of county infirmaries and other places of that description.

"Bill for securing the more effectual promotion of the Medical and Surgical Sciences in the Queen's University in Ireland, by enabling the Ratepayers of the Unions of Cork, Belfast, and Galway, respectively, to provide for the enlargement and better maintenance of certain hospitals in the said cities and towns, and for the further extension of the provisions of the Act of the eighth and ninth years of Her present Majesty to endow new colleges for the advancement of learning in Ireland, *ordered* to be brought in by Mr. FAGAN and Mr. BEAMISH."

Bill read 1°.

AGGRAVATED ASSAULTS.

COMMITTEE MOVED FOR.

VISCOUNT RAYNHAM moved for the appointment of a Select Committee to inquire into the operation of the Act of the 16 & 17 *Vict.* c. 21, for the punishment of persons convicted of Aggravated Assaults on Women and Children. He said it was lamentable to consider that the number of these offences had increased to such an extent as to become a disgrace to the country; and he therefore wished the matter to be discussed in order that measures might be adopted for the more effectual prevention of the atrocities he alluded to. When the attention of the country was being called to the social evils which prevailed, he could not conceive that any subject more proper for consideration could be submitted to the House than that to which he now directed attention. It was his opinion, and that of many other hon. Members, that the Act now in force for the prevention of these crimes had not had the effect which had been hoped from it when it was passed. He would not detain the House by an enumeration of the cases of cruelty which had lately been reported, but only mention one of peculiar enormity. It had occurred at Horncastle, in which a girl, for some trifling offence, was twice beaten by a man and a boy at the direction of her mistress, and then placed against a grindstone, which was turned round in a way seriously to injure her person. The magistrates before whom the case was brought expressed the greatest horror at its atrocity, but only fined the mistress £5, the man £3 5*s*. 6*d*., and the boy £1 5*s*. It might be very true, as he had heard observed, that no punishment which they could inflict would actually prevent the commission of any crime, and he did not expect, therefore, by the measure which he had in view altogether to repress offences of this description; but when he compared the maximum amount of punishment which was awarded for this crime with that which was inflicted in cases of a trivial character, he thought that great inconsistency was the result, that the punishment was inadequate, and that the state of the law should no longer continue as at present. In merely moving for a Select Committee, he should not press his own views upon the House beyond stating his belief that corporal punishment was the only proper punishment for this crime. He trusted that the common sense and manly feeling of the Members of that House would lead them to the decision that, in the absence of such an acquaintance with all the bearings of this important subject as would at once guide them to a correct decision, they should allow a Committee to be appointed to examine and report upon the whole question. In conclusion, the noble Lord moved for the appointment of a Select Committee.

MR. DILLWYN seconded the Motion.

SIR GEORGE GREY said, that he should be very happy to concur with his noble Friend in any measure which would have the practical result of putting an effectual check to crimes of the nature to which he had referred. They naturally and properly excited great indignation in consequence of the frequency of their committal, and the impunity with which they had been perpetrated. An Act, however, had recently been passed at the instance of his hon. Friend the Member for Lewes (Mr. FitzRoy) giving a summary jurisdiction to magistrates in these cases, and enabling them to inflict a punishment of six months' imprisonment with hard labour. Previously, these crimes were often committed with impunity, because it was found impossible to collect the witnesses and to prosecute the offender with success when the case had to be sent for trial to the assizes; but the consequence of the recent Act giving summary jurisdiction had been to ensure the trial and punishment of the offender. He believed that that Act had been successful in its operation so far as the punishment of offenders was concerned; but he did not see how the appointment of a Select Committee to inquire into that Act could have the practical effect which his noble Friend desired. If his noble Friend wished to see what had been the effect of that Act, by means of a classified return showing the number of convictions which had taken place under it, and the punishment inflicted in each case, and testing those convictions periodically, so as to see whether these offences were on the increase or decrease, he should be happy to arrange for such a return with him. From a document of that kind the House would be able to understand what the operation of the Act had been, but the return would not show what had been its effect in checking crimes of this nature, owing to the almost invariable impunity with which, previously to the passing of the Act, such crimes had been committed. With respect to the Horncastle case, to which his noble Friend had referred, and in which he thought that sufficient punishment had not been inflicted, the only inference that could be drawn from it, even supposing his noble Friend's view to be correct, was that the magistrates had not inflicted the full punishment which the law allowed them; and it by no means showed that the punishment which the law permitted was insufficient for the purpose. In conclusion, he reminded the House of the inconvenience which would arise, seeing the calls which must be made upon Members to serve upon private Bill and Election Committees, if they granted Select Committees without an urgent necessity for their being established. He did not think that any sufficient case had been made out in the present instance; he thought that no practical good would result from the appointment of a Select Committee; and he trusted, therefore, that the House would not agree to the Motion of his noble Friend.

MR. BENTINCK thought that the right hon. Gentleman had misunderstood the object of the noble Lord who had brought forward this Motion, which was, as he understood the noble Lord, to prove that this subject had never yet been fairly and fully discussed, and that the only way of checking the offence in question was by summary corporal punishment. He could not agree with the right hon. Gentleman that the effect of the Act introduced by the hon. Member for Lewes had been to diminish the amount of crimes of this description; for, he held in his hand a number of convictions that took place in the metropolitan districts, by which it appeared that last year there were on an average 374 in each district, and if he recollected rightly the convictions under the same Act were in the previous year as nearly as possible the same in amount. He, therefore, contended that the Act had been totally inoperative in producing any diminution of these offences. Detailed evidence might be obtained in a Select Committee which could not be obtained in any other way, and a report might be agreed to which would be the groundwork for future legislation. As for the argument of the want of time, and the small number of Members who were available for Select Committees, the inquiry need only take a short time, and might be terminated before the pressure of the Election Committees came on. If the House determined not to deal with this question in any way it would make itself responsible for the offences of this character which might occur hereafter.

MR. P. O'BRIEN said, he supported the Motion. He was certain that there was no one who read the papers but must feel that there was a system of brutality pursued by husbands towards women in England that required an amendment of the law. The Bill of 1853, which gave magistrates the power to inflict six months' imprisonment on husbands who ill-treated their wives was not a punishment on the wrongdoer, but it was a punishment on his wife and family, who lost the man's services for the whole of that period. There were Committees appointed to investigate the crotchets of individual Members, and why should the Secretary for the Home Department object to the appointment of this one, which had reference to a national object. He could not say that Ireland had anything to do with it, for they never beat their wives in Ireland; but England had a great deal to do with it, and that being the case, why not grant the inquiry? The argument of the Home Secretary, of taking away hon. Members from other Committees, was of no effect, as the inquiry would not last above five or six days. There would, therefore, be little injury done to other Committees, and no great tax laid upon the energies of hon. Members. He should, therefore, vote for the appointment of such a Committee.

LORD CLAUD HAMILTON said, he thought that the statistical account promised by the Home Secretary would not attain the end which the noble Lord the Member for Tamworth had in view. The noble Lord's object was to inquire into the Act of 1853, and this of course could only be done by obtaining information from persons—police magistrates and others—who took an interest in the question and had practical experience of the effects of the Act. That Act when passed was described as being experimental, and when it was proposed to introduce into it corporal punishment it was objected to as too great an innovation. The tone of the debate was that it would be better to begin by a milder punishment; but the House did not preclude itself from imposing corporal punishment if the milder punishment should fail. That, he believed, was the tone which the noble Lord at the head of the Government took on that occasion. They ought, therefore, to show themselves doubly anxious to redress any evils which peculiarly affected the other sex. Women were unfairly circumstanced. The Members of the House of Commons were all men. The Judges were all men. In fact, those who made the laws and administered them were men, and the women had no voice in either.

MR. CLAY was of opinion that, though an inquiry into the subject was necessary at some time or other, it could not be made satisfactorily now, because many of the police magistrates—who would, of course, be the most important witnesses to be examined—had not yet made up their minds as to the working of the Act. In some districts, though the convictions had decreased, the charges had increased, showing that the women were by no means backward to avail themselves of this weapon against their husbands by bringing forward charges against them which were either exaggerated or totally groundless.

Motion made, and Question put, "That a Select Committee be appointed to inquire into the operation of the Act 16 & 17 *Vict.* c. 21, for the punishment of persons convicted of Aggravated Assaults on Women and Children."

The House *divided:*—Ayes 84; Noes 125: Majority 41.

JOINT-STOCK COMPANIES, &c., BILL.

SECOND READING.

Order for Second Reading read.

MR. WYLD hoped that this Bill would be amended in Committee, because, as it stood, it did not attain the object it had in view—the establishment of one jurisdiction for winding-up Joint-stock Companies. It left the conflicting jurisdictions of the Commissioner of Bankruptcy and Courts of Equity as they were now.

THE ATTORNEY GENERAL was afraid that the object contemplated by the hon. Member was too large for any legislation to take place on it during the present Session. The object of the present Bill was a more limited one, and the usefulness of the measure depended materially upon its being carried as soon as possible. He should, however, be ready to consider in Committee any suggestions of the hon. Member.

Bill read 2°, and *committed* for *Thursday* next.

BILLETING OF SOLDIERS.

OBSERVATIONS.

On the Report of Supply being brought up,

MR. BOVILL said, he did not wish at that late hour to trespass on the attention of the House, but he felt it his duty to refer briefly to the gross injustice and inconvenience sustained by innkeepers in consequence of the present system of billeting soldiers. The allowance to an innkeeper for a soldier was only 10*d.* a day, and for this each soldier was entitled to one pound and a quarter of meat, one pound of bread, and one pound of vegetables, besides beer, lodging, fire and candles. Now, it was perfectly impossible that an innkeeper could do this for 10*d.*, as any one taking the trouble to add up the several items might readily discover. Why, under present prices, it could not be done for less than 15*d.* or 16*d.* He saw no just grounds for imposing this tax on publicans. If the system of billeting were necessary for the maintenance and support of the army when on the march, the burden should not be imposed on any particular class. The fairest way would be to have those charges defrayed out of the Consolidated Fund or by a general tax. This tax was unfair towards the whole of the innkeepers throughout the kingdom, and unequal, as it fell only on the publicans situated on the line of march through which the troops passed, and with a similar inequality in the towns in which the troops were located. Take any town within twenty or thirty miles of London, and what was the effect of the existing system? Why, the officers who had money to spend occupied the larger hotels, where they enjoyed every luxury, and their expenditure compensated the proprietors for any loss they might sustain by the private soldiers billeted on them; but the small innkeeper, while he was obliged at a loss to maintain the private soldier, had none of the advantages derivable from the custom of the officer. Besides, the small innkeeper who happened to have a stable was obliged to find hay and straw for the soldier's horse for 9*d.* a day. This allowance was also quite inadequate. This unjust system provoked ill-will and discontent in a large class of her Majesty's subjects towards those who were devoted to the public service. It was impossible to justify a system at once so oppressive and unjust. He had mentioned this grievance now, in the hope that the attention of Her Majesty's Government would be directed to the subject, and that when the next Mutiny Bill came before the House, the class of persons to whom he referred, would be relieved from this injustice.

Resolutions *agreed to.*

House adjourned at half-after Twelve o'clock.

HOUSE OF COMMONS,

Friday, May 29, 1857.

MINUTES.] NEW WRIT.—For Leeds, *v.* Robert Hall, esq., deceased.

PUBLIC BILLS.—1° Scientific and Literary Societies; Savings Banks (No. 2); Joint-Stock Companies Act Amendment; Turnpike Trusts Abolition (Ireland).

3° Cinque Ports.

PASSING TOLLS—QUESTION.

On the Question, "That the House at its rising do adjourn till *Thursday* next,"

MR. HUDSON said, he wished to draw attention to the grievance pressing on the shipping interest with reference to Passing Tolls. Years ago a pledge had been given for the repeal of those tolls; the pledge had been repeated again and again, and Bills on the subject had been brought in unsuccessfully. He now asked whether it is intended to bring in a Bill on the subject this Session, and whether the Government mean to deal with the whole question of local dues? Another matter of importance was that of pilotage, as to which many ports laboured under great difficulties. There was another question, also, which he wished to ask relative to the abolition of the duties on timber, on which abortive pledges had been given. Did the Government mean to bring in this Session any Bill on the subject of passing tolls, and also for the regulation of the appointment of pilots?

THE CHANCELLOR OF THE EXCHEQUER said, that the subject of passing tolls was one which was in the hands of his right hon. Friend the Vice President of the Board of Trade (Mr. Lowe). The hon. Member for Sunderland not having given notice of his question, his right hon. Friend was not in his place to reply to it, but he (the Chancellor of the Exchequer) might observe that the state of public business was such as to render it improbable that any measure upon the subject would be speedily introduced.

Motion *agreed to.*

House at its rising to adjourn till *Thursday* next.

PUBLIC BUSINESS—MOTION.

VISCOUNT PALMERSTON said, he would now move that on Thursday, the 18th of June, and upon every succeeding Thursday during the present Session, Government Orders of the Day should have precedence of Notices of Motion.

Ordered, " That upon Thursday, the 18th June next, and upon every succeeding Thursday during the present Session, Government Orders of the Day shall have precedence of Notices of Motions."

POLICE BILL (SCOTLAND)—QUESTION.

MR. MACKIE asked the Lord Advocate if it is his intention to introduce a Police Bill for Scotland during this Session?

THE LORD ADVOCATE said, in reply, that it was the intention of the Government to introduce a Police Bill for Scotland during the present Session.

CIVIL SERVICE—QUESTION.

MR. BASS asked the Chancellor of the Exchequer what is the course pursued when candidates for employment in the Civil Service are nominated by Members of Parliament; whether a candidate so nominated is necessarily admitted to examination; whether there is any competition for employment in the Civil Service, and whether, in fact, with the exception of a simple examination as to the ordinary qualifications for office, the old system of patronage and favouritism did not still remain in force? He had been induced to put these questions in order to remove all uncertainty with respect to the subject to which they related. That such uncertainty now existed he was convinced, from the number of letters which had been addressed to him, stating that a general impression prevailed throughout the country that if a Member of Parliament were to recommend a candidate for an appointment he was not subjected to examination, and that, in fact, there was no competition.

THE CHANCELLOR OF THE EXCHEQUER said, the impression which his hon. Friend had described as prevailing out of doors was entirely erroneous, as Members of Parliament possessed no right to nominate candidates for public situations which was not enjoyed in an equal degree by every other member of the community. All the regulations which existed upon the subject were embodied in an Order in Council of May, 1855, and if his hon. Friend would refer to that Order, he would find that it contained everything which it was material that he should know. He might add, that there were also two Reports upon the subject which had emanated from the Civil Service Examination Commissioners, and from which his hon. Friend would be enabled to ascertain the manner in which the Order in Council had been carried into effect. He would learn from that Report that in addition to the ordinary examinations, in which no competition took place, there were several instances in which the heads of the public departments had selected candidates, in whose case there had been competition. That was a matter in which the heads of departments exercised their own discretion, and he might add that the competition was not unlimited, but existed between a certain limited number of persons.

VISCOUNT GODERICH said, he would take that opportunity of giving notice that upon the Motion for going into Committee upon the Civil Service Estimates he should bring the subject to which his hon. Friend (Mr. Bass) had called their attention under the consideration of the House.

CORRUPT PRACTICES PREVENTION ACT.

QUESTION.

MR. CROSS asked the Secretary of State for the Home Department whether it is the intention of the Government to extend the provisions of the Corrupt Practices Prevention Act, 1854, to Municipal Elections? He believed that Act had been found to work very well throughout the country.

SIR GEORGE GREY said, it was not the intention of the Government to propose the extension of the Act to Municipal Elections. It was a measure of a temporary character, and, although the hon. Gentleman had said that it had worked well, it had been deemed expedient last Session to appoint a Select Committee to inquire into its operation. That Committee had not been reappointed in the present Session, and for the very good reason that perhaps the best test of the working of the Act would be obtained from the inquiries which were about to take place before the Election Committees upstairs.

HONDURAS—QUESTION.

MR. DISRAELI: I rise, Sir, to make inquiry of Her Majesty's Government as to the reasons for the non-ratification of the treaty between Her Majesty and the Government of the United States about Honduras. I should be glad if the noble Lord at the head of the Government could state to the House the reasons why that treaty has not been ratified, and I should wish that he would also inform us as to the present state of the negotiations, and whether papers will be laid before Parliament.

VISCOUNT PALMERSTON: In answer to the right hon. Gentleman I have to state that in the course of last summer two treaties were concluded by Her Majesty's Government—the one with the Republic of Honduras, the other with the Government of the United States. The object of the treaty which we entered into with Honduras was, among other things, the cession to her of what are called the Bay Islands—namely, Ruatan, Bonacca, and two or three other smaller islands. Those islands were, under the provisions of the treaty, ceded to Honduras upon certain conditions which Her Majesty's Government deemed it to be necessary to impose for the security and well-being of such British settlers as had property within them. The treaty also provides that the islands in question should not be allowed to fall into the possession of any great maritime Power; that no fortifications should be erected upon them, but that they should continue to be—that which they hitherto have been—inoffensive and non-military stations. The treaty which we concluded with the United States divides itself into two distinct parts. The first part contains the articles of the treaty which Great Britain and the United States were to propose to Nicaragua and Costa Rica for the purpose of settling the differences which have arisen between the Spanish American States in Central America and for the future regulation of the condition of the Mosquito Indians and Greytown. That was one part of the treaty. It contained articles which the two Powers were to propose to those Central American States—as a treaty to be concluded between those States and England and America. The other part of the treaty contained the conditions of certain engagements between England and the United States, and one of these articles was to this effect—that whereas a Convention had been concluded between Great Britain and Honduras whereby, on certain conditions, the Bay Islands had been ceded to Honduras, Great Britain and the United States engaged henceforward to acknowledge those islands as part of the territory and sovereignty of Honduras. This treaty was signed by my noble Friend at the head of the Foreign Department (the Earl of Clarendon) and Mr. Dallas, the American Minister here. This treaty was sent to Honduras and Washington respectively for the ratification of those Governments. We have not yet received an official notice from Honduras whether the treaty to which I have alluded has been ratified or not by the Government of Honduras. We have, indeed, heard privately that some technical difficulties have prevented its ratification, but we have no official information on the subject. The treaty with the United States was referred, as a matter of course, to the Senate. The Senate proposed several alterations in that treaty. Some of those alterations were of considerable importance, and one was of very great importance. The treaty so amended was sent back to this country with the ratification of the Government of the United States, and we were asked to accede to that ratification and adopt those alterations. Now, of course, the Senate of the United States have an undoubted right to modify and alter any treaty with which they are not satisfied, and which, not having been ratified, may become the subject of discussion. But the ratification of a treaty by a sovereign Power means that that sovereign Power adopts and ratifies by its signature the engagements taken in its behalf by authorized diplomatic agents; and to ratify a treaty which, having been altered by another Power, is no longer the treaty that was concluded by an authorized diplomatic agent would be against all rule and against all the principles of diplomatic usage. Therefore, even if the British Government agreed to adopt the alterations made in the treaty by the Senate after the signature of the representative of the United States, it would be necessary that a fresh treaty should be concluded, adopting and embodying those changes, and that this new treaty should be ratified by the sovereign Powers of the two countries. There were several changes made in the treaty, none of them, as I have stated, unimportant; but, nevertheless, Her Majesty's Government being desirous of not raising unnecessary difficulties upon a question which it was highly desirable should be settled, waived their objections to all but one, and that was a change made not in the treaty which the two Governments proposed to Nicaragua and Costa Rica, but in the recital of that treaty. There were alterations in that draught of the treaty—if I may so call it—which was embodied in the Convention with the United States. They were far from unimportant, yet we were prepared to adopt them. But in the other articles which were agreed to be directly contracted between the United States and Great Britain there was an alteration which I will mention. The article relating to the Bay Islands contained, as I have stated, the recital of a Convention between Great Britain and Honduras for the cession of these islands upon certain conditions, and it said—

> "Whereas such Convention has been concluded between the Government of Great Britain and Honduras, and it has been agreed to consider these islands as part of the territory of Honduras."

The Senate of the United States proposed to omit all reference to the Convention between Great Britain and Honduras, and that the article should simply stand that England and the United States acknowledged these islands as part of the territory of Honduras. Now, the obvious effect would have been, by implication, and, indeed, directly, that we were making an unconditional cession of these islands to Honduras divested of those steps which we thought necessary for the protection of the colony and the well-being and future political interests of the country. Her Majesty's Government, therefore, expressed their regret that they could not adopt that alteration, but they proposed an addition to the article as it was amended by the United States, which would have made the cession of these islands conclusive only upon the acceptance by Honduras of the conditions and stipulations we proposed. That proposal was sent to the United States, and the matter is still under negotiation. Therefore, with respect both to this treaty and to the treaty with Honduras, it is not in my power, according to the established practice, to lay these papers before the House. If, unfortunately, these negotiations do not turn out successful, it will be the duty of Her Majesty's Government to lay before the House the grounds of the stand which they have thought proper to make. If, on the other hand, the negotiations are successful and the treaty should be ratified and signed in the form which the interests of this country require, then the House will probably be content with the treaty without inquiring into the differences between the two countries.

Mr. DISRAELI: I wish to know whether the alterations made in the treaty were not communicated to our representative at Washington, and whether an announcement of those alterations was not received from him before the treaty was ratified and sent to this country?

Viscount PALMERSTON: I do not quite comprehend the right hon. Gentleman's question.

Mr. DISRAELI: My question is, whether the alterations which Her Majesty's Government could not accede to were not communicated to our Representative at Washington, and whether an answer to the alterations of which the noble Lord complains was not sent out before the treaty was sent over here for the ratification of Her Majesty's Government?

VISCOUNT PALMERSTON: I might take exception to the word "complains." We made no complaint. [Mr. DISRAELI: Well, "objects."] The Senate of the United States had a right to make what alterations they pleased in the treaty if they thought it not fit to be agreed to. No doubt the probability of some alterations being made in the treaty by the Senate was communicated by Her Majesty's Minister at Washington. That anticipation arrived before the treaty, but the answer of Her Majesty's Government was founded on the official communication of the result of the deliberations of the Senate of the United States.

PRINCESS ROYAL'S ANNUITY BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

MR. BOWYER, who had given notice that he should move to add an Amendment to Clause 1, said, that the reasons both for and against his Amendment were so obvious that it would be best to introduce it briefly. He need scarcely say that he participated in those feelings of affectionate loyalty which pervaded not only that House but all classes of this country. Indeed, when he looked back to the history of this country up to the time of the Norman Conquest, he did not find amongst the long line of princes who had filled the Throne a better sovereign than Her Majesty the Queen. But these feelings, however laudable and just, ought not to influence the House in deciding a matter like the present. It seemed to him that all the reasons in favour of this provision for the Princess Royal, however just they might be under present circumstances, did not apply to the event of Her Royal Highness becoming Queen Consort of Prussia. It was most desirable for the honour of the Prussian Crown that the Queen Consort of Prussia should not be in the receipt of a pension from a foreign State. He was sure that we should not like to see a Queen Consort of England placed in that position; and he felt confident there would be a strong feeling, especially among the middle classes of this country, against an annual payment to the Queen Consort of an independent nation. Such a continued payment would be a constant source of irritation in the country, and candidates on the hustings would be asked whether they concurred in it, or would propose its repeal. Some illustration on this point was afforded by the case of the King of Belgium, who, it was well known, did not apply to his own personal use the sum he received as having been the husband of the Princess Charlotte. Yet candidates at elections had been questioned in regard to that pension and a strong feeling had been expressed at the hustings against the sovereign of a foreign country deriving anything from the Exchequer of England. For this reason he thought the hon. and learned Member for Sheffield (Mr. Roebuck) was right when he proposed the payment of a capital sum instead of an annuity. He (Mr. Bowyer) was aware that precedents might be cited against him. His answer was that precedents drawn from things done in the reigns of George II. and George III., under unreformed Parliaments, ought not to be binding upon them. Indeed, such precedents rather resembled the lighthouse placed on a rock to warn people off than the signpost which pointed the way they should go. His Amendment, which had been slightly altered since he put it on the paper, was that the annuity to the Princess Royal should be suspended during the time she might be Queen Consort of Prussia. But looking to the possible contingency, which he trusted would not occur, of her becoming a widow, he proposed that in the event of her Royal Highness surviving her intended husband, after he had been King of Prussia, her allowance should revive, and its payment be resumed. His reason was this: on becoming a widow her Royal Highness would very probably return to her own country. At any rate she would be regarded more as an English than a foreign princess. In this shape he believed his proposal would be more favourably received by many hon. Members than if it made the annuity entirely to cease from the date of the Princess Royal becoming Queen Consort of Prussia. The hon. Gentleman concluded by moving to add to Clause 1 the words—

"Provided, however, that in the event of Her Royal Highness becoming Queen Consort of Prussia, the said annuity shall be and remain suspended, so long as her Royal Highness shall continue the consort of his Royal Highness Prince Frederick William of Prussia; but in case His Royal Highness Prince Frederic William of Prussia shall die in the lifetime of Her Royal Highness the Princess Royal that the said annuity shall revive and become payable from the date of his decease."

THE CHANCELLOR OF THE EXCHEQUER said: I will endeavour to follow the example of the hon. and learned Member for Dundalk by addressing the House very briefly; and I can hardly think that any very elaborate argument is needed to convince them of the propriety of rejecting the Amendment which he has proposed. I could understand any hon. Member of this House objecting that the whole proposition of the Government respecting the provision for the Princess Royal was excessive and extravagant; that, looking to the compact made between the Queen and the country at Her Majesty's accession, it is Her duty to provide for Her children; and that this House ought not to be called upon to vote anything for the dowry of Her eldest daughter. I could comprehend, I say, an hon. Gentleman taking that course, and putting an entire negative on the proposition of Her Majesty's Government; but I confess I cannot appreciate the merit of such counter Motions as have been submitted to the House —such minute, such "nibbling" Motions (if I may be allowed the word), first reducing the annuity of Her Royal Highness from £8,000 to £6,000 per annum, and then crowning this species of propositions by the singular Amendment at present under discussion. The hon. and learned Member has now made his Motion smaller and more diminutive than the one of which he originally gave notice. The notice he gave at the outset was to put an end to the annuity if the Princess Royal should become Queen Consort of Prussia. He now amends his Amendment, and converts this into a sort of shifting or springing annuity, to be paid as long as she remains the consort of the son of the Prince of Prussia. She would continue, I presume, to enjoy this allowance if her father-in-law should succeed to the throne, and if she became consort of the heir apparent. Should she, however, become Queen Consort of Prussia, she is to be deprived of her annuity! But the hon. Gentleman hopes that she may die during the life of her husband. [Mr. BOWYER: No, no!] He wished her, as I understood him, to be short-lived, in the hope that she might not survive her husband; but in the event of the unfortunate calamity of her being blessed with longevity, her allowance is to revive—this grant is to spring up again, and she is to be entitled to £8,000 a year. I do not believe that an arrangement of that sort would redound to the credit of this country. For myself I would far rather agree that this Bill be read a second time this day six months, and give up the arrangement altogether. What should we think of the person who proposed such an arrangement in private life? Would anybody really propose, on the marriage of a lady to the heir of a fortune or a landed estate, that she should enjoy a certain annuity till her father-in-law died—that, on her husband succeeding to the estate, she should be deprived of that annuity; but in the event of her becoming a widow, that the allowance should again come in force? Such a settlement would not be deemed very honourable to those who framed it; and I cannot think it is the wish of this House that if the Princess Royal forms an alliance with the presumptive heir of Prussia—a marriage higher perhaps in rank than any contracted by a Princess of this kingdom for many years past—she should be placed, if her husband succeeds to the throne, in a situation of entire dependence on the bounty of the Royal Family of Prussia, and that no contribution should be made by the country of her birth to maintain her dignity and support the exalted position she will have to occupy. Without considering what is due to the honour of the Crown, I cannot but believe that even the national pride of this country would prevent the House from acceding to a Motion such as the hon. and learned Member has invited us to sanction. I therefore trust it will not receive the countenance of hon. Gentlemen, but will be negatived by a large majority.

MR. W. WILLIAMS said, that having himself given notice of a Motion similar to the present, he should cordially support the hon. and learned Gentleman's proposal. He was not a little surprized to find Her Majesty's Government opposing so reasonable a Motion. What, he should like to know, could be the feeling of a King of Prussia who could allow his Queen to be a pensioner paid out of the taxes extracted from the people of England? A man of so little spirit could hardly be a very desirable husband for the Princess Royal. What would Her Majesty and the people of this country say, if His Royal Highness the Prince Consort derived an annuity from the taxes of Saxe Coburg? They would be ashamed of it, and would not permit it for one moment. That the people of England should be taxed to maintain a foreign Queen, and especially the Queen of a high power like Prussia, would be most degrading to that country; and so far from this being a "nibbling" proposition, it was one which, if carried, would conduce greatly to the respect in which Her Majesty and her august family were held. Taxes for such objects as that proposed by the Bill were the most likely of all other things to bring the Royal Family into a position with respect to the people very different from that which they now occupied. He hoped, although he knew there was not much ground for hoping, that the hon. and learned Gentleman would carry this Motion. He was quite convinced that it would be most acceptable to the country at large. The House had acted very liberally in granting this annuity, as well as the dowry of £40,000; and it would be unjust to the people of England, and a violation of every principle, if she were to continue to receive an annuity of £8,000 after she had become Queen of Prussia.

Mr. WALTER thought that the very circumstance of this discussion showed how much more sensible the arrangement that was suggested by his hon. and learned Friend the Member for Sheffield would have been (had it been proposed in a more definite and specific form) than the scheme which had been submitted by the Government. It must be confessed that it would be somewhat unbecoming in the Princess Royal to continue to be a pensioner on the people of England when she became Queen of Prussia. At the same time he could not support the proposition of his hon. and learned Friend the Member for Dundalk, unless it underwent some alteration. He should like to suggest, by way of compromise, that the annuity should cease altogether when the Princess Royal became Queen of Prussia; but that a corresponding increase should be made in the annuity for the limited period antecedent to that event—that it should be £12,000 instead of £8,000, and should cease absolutely when the Princess Royal became Queen of Prussia. He believed that—as a matter of pounds, shillings, and pence—that would be a very good bargain for the country. If it were possible to propose such an Amendment on the Motion of his hon. and learned Friend, he should be disposed to do so.

Mr. DISRAELI: Every stage of this measure, and every form in which these propositions have come before us, has only the more and more convinced me of the folly and extreme injustice of placing the Crown in the position of making these applications to the House of Commons. It is necessary to remind the House over and over again, that the Crown has possession of an estate perfectly adequate to furnish all that is required for the convenience, comforts, and happiness of the Queen and the Royal Family, and for establishing every branch of that family, however numerous, in a manner worthy of the Royal Family of England without coming down to Parliament for any grant whatever. It appears, by evidence which any hon. Gentleman may refer to, that the Crown Estate brings into our Exchequer £260,000 per annum. With an estate to that amount surely the Crown would be in a position to supply all that is necessary for the comfort and convenience of the Crown, and for establishing every branch of the Royal Family. In all that is necessary for the wise pageantry connected with the Crown the country is as much and more interested than the Crown itself. We know very well that under ordinary circumstances that pageantry is not had recourse to, but on all occasions of public ceremonials in which the august individual who is the representative of our national institutions performs public duties that pageantry is required, and the House of Commons is bound to furnish the expenditure which it entails, and an annual Vote of a certain amount for that purpose would never be refused. Unfortunately, on the accession of Her Majesty to the Throne, and by the advice of those who believed, no doubt, that they were giving sound advice to the Crown, Her Majesty entered into this compact which we now call the Civil List. But let the House consider under what circumstances a youthful Sovereign is called upon to enter into an arrangement of that kind. What experience of the world could a youthful Sovereign have as to the feelings of a community which she might be called upon to govern? If it had not been for the compact then entered into it would not have been necessary for Her Majesty to make this application to the House of Commons. It may now be impossible to change the arrangements entered into with the Crown, but it is for those who advise the Crown to consider whether it might not be advisable to do so. I suppose that no person in this House may live till another reign, but if I should have the opportunity, I should urge upon the advisers of the Sovereign that a compact so unwise as regards the dignity of the Crown as the Civil List of 1832 ought never to have been sanctioned by any Government or Parliament. The hon. Gentleman the Member for Lambeth talks of these annuities being paid out of the taxes of the people. But is that true? [Mr. W. WILLIAMS: Perfectly true.] The hon. Gentleman says it is perfectly true, but he does not deny that the Crown estate at this moment furnishes some £260,000 a year, being considerably more than two-thirds of the Civil List, and that that £260,000 a year is not furnished out of the taxes of the people. The hon. Gentleman will not deny that the revenues of that Crown estate are quite ample for all that is necessary for the comfort and convenience of the Crown and the establishment of the various members of the Royal Family. I am surprised that he should persist in saying that this annuity is to be furnished out of the taxes of the people; at the same time I regret that there is a state of circumstances which gives a plausible show to the remarks of the hon. Gentleman, and of others who sit beside him. I am quite sure that when another appeal of this kind is made to the House we shall hear the same declaration, that these sums which are voted for the establishment of the various members of the Royal Family are paid out of the taxes of the people, and therefore I think the Crown ought to be advised to reconsider the settlement of the Civil List in 1832. I think the position of the Crown in respect to these applications one that ought never to have been established. The resources of the Crown are quite sufficient to meet all these expenses if the money were not diverted to public objects in which the country is infinitely more concerned than the Crown. I am sure that the objections which have been made to this annuity cannot be sanctioned by the House. They would, if carried into effect, place this country in a shabby and ignominious position. It may, or may not be a question whether the Queen of Prussia should be a pensioner of England under these circumstances; but it is not for England—it is for the Court of Prussia—to determine that question. The Court of Prussia may signify, as the King of Belgium did, its dislike to be placed in such a position; but it is not for us to anticipate what may be the conduct of that Court by a shabby suggestion of our own. That, I am sure, is not a course which the House of Commons will tolerate. The hon. Gentleman spoke as if it was a matter of doubt how the income which the King of Belgium derives from this country is expended, but the hon. Gentleman and the House should remember that the whole of that income was relinquished by His Majesty. With the exception of legacies which were left by his lamented consort to maintain the establishment which she left, the whole of that income, amounting to £34,000, I think, a year, or something very near that sum, is always paid back into our Exchequer. The hon. Gentleman the Member for Lambeth tried to illustrate the position in which one who, I hope, may be the future Queen of Prussia may be placed by referring to the Consort of Her Majesty, but I do not think that was a very felicitous illustration. I do not believe that it would tend to decrease the popularity of His Royal Highness if, for example, the people of this country were made aware that he derived from the country of his birth annually a considerable sum. I believe the truth is that His Royal Highness does derive from that country no inconsiderable income, not exacted from the taxes of the people, as the hon. Gentleman says, but from that patrimonial and hereditary estate which every Sovereign in the world but the Queen of England enjoys. In consequence of the jealousy of Parliament the earliest opportunity is taken on the accession of the Sovereign to prevent that Sovereign from enjoying the pleasures and duties of a proprietor. The circumstances under which that jealousy first arose having ceased to exist, I think it would be much better that the Sovereign of this country should fill the natural position of being the chief landed proprietor in this country. You cannot suppose that because the King or Queen of England was in receipt of £200,000 or £300,000 a year from landed estate, that King or Queen would become an object of suspicion and jealousy to the people, or that our rights and liberties would be thereby endangered. This country is remarkable for its accumulated capital and immense wealth, and we might as well be jealous of some of our great peers who have territorial incomes of that character and amount, and suppose that our liberties were endangered by them, and every one of them would turn out to be an Earl of Warwick. But I suppose nobody imagines any danger is likely to arise to our liberties because the Duke of Bedford or the Marquess of Westminster draw a large income from their landed estates. We therefore should not be jealous if the Sovereign of this country, possessing real property, should exercise the duties of a propietor. On the contrary, we should rather be glad if the Sovereign were placed in that position and saved from the humiliation of making appeals of this kind. When Her Majesty is called upon to fulfil the most agreeable of duties—namely, the establishing in an honourable manner a member of her family, we find her position entirely misrepresented by its being said that she is exacting something from the taxes of Her people. I think the time is come when we ought gravely to consider whether this system should not be put an end to, because we can all anticipate that other appeals may be made to us, and because the same objection, utterly false and fallacious, will again be urged in order to poison the feelings of the people of this country.

Sir FRANCIS BARING: Sir, I regret that the right hon. Gentleman opposite has introduced a new question into the discussion, and entered upon matters which would have been better considered and discussed upon some more opportune occasion. As to the result at which the right hon. Gentleman arrives, I entirely concur with him. I may say for myself that I am not usually anything but a lover of economy, but I should deeply regret if to the grant of this House were attached a condition which would, I think, bear the character of extreme shabbiness. When, however, the right hon. Gentleman opposite bases this grant, not upon the attachment we bear to the Sovereign, or upon the duty which, as it seems to me, is imposed upon us of providing for the Royal Family, but upon the ground that the Crown has made a bad bargain with the country, all I can say is, that in the first place I sincerely regret that such a point should have been started, and in the next place I must frankly state that the right hon. Gentleman and I, looking at the figures involved in the case, have come to different conclusions. I know this is an argument which my late lamented Friend, Sir Robert Inglis, was ever fond of using in this House; but it was founded upon an entire misapprehension of the charges originally attaching to the Royal revenue. No doubt, if you take the Crown's hereditary revenue, and say that that should be employed only for the personal advantage and pleasure of the Sovereign for the time being, it may be true that the Civil List is not equal to the amount which the Crown would then receive. But what are the facts? In old times the Crown's hereditary revenue was bound to support many charges now considered of a public nature. Thus, in former times, the diplomatic and many other services were paid for from the hereditary revenues of the Crown; and if, as to my surprize has been suggested by the right hon. Gentleman, the Crown were to re-enter upon its hereditary revenue, I am afraid Her Majesty would find that a large part of the expenditure now borne by the public would attach to that revenue, and very much reduce its amount. I will not go further into the question, for I am sorry it has been raised, than to say that, as regards the possibility of binding the hereditary revenue for the payment of an annuity to the Princess Royal, I very much doubt whether the Crown, in the full plenitude of its enjoyment of this revenue, would allow such a charge to be made; I very much doubt whether it would not be found necessary to come to Parliament, even supposing the Crown still possessed its hereditary revenue. But I will not go further into a question which I regret should have been raised. I cordially concur with the right hon. Gentleman in voting against this Motion, and I hope my hon. Friend who brings it forward will find very few to support him.

Mr. ROEBUCK: After the political lecture read to us by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), I was in hopes that, when the other right hon. Gentleman got up to answer him, he would have taken notice of the inaccuracy of his facts. There is another right hon. Gentleman here who was a member of the Administration which actually made the settlement which has been referred to. And first, let me remind the Committee that this settlement was not made with a youthful Sovereign. It was first made in 1830, when William

IV. succeeded to the throne of England, and during the Premiership of Lord Grey. The hereditary revenue of the Crown was on that occasion said to be given up. That was not so; for a portion of it was retained. The bargain made by the Crown was one advantageous to it, and not to the people. Let us look at what occurred before that time. George II. and George III. made no such "concession" to their people. But they both came to Parliament for a provision for their daughters, so that, even by retaining this hereditary revenue in the hands of the Crown, you don't protect Parliament against these applications. Now, this is a very important matter. When the Princess Royal of that day was married, George III. came to this House for a portion for his daughter; and I cannot sympathize with the right hon. Gentleman who thinks that any indignity results to the Sovereign in consequence of such an application. The Sovereign, having confidence in the respect, the loyalty, and the affections of her people, comes to Parliament and says,—"I have now a daughter going to be married—going forth into life—and I appeal to you, to my people, so to provide for her as that she may be happy herself, and in her condition reflect honour upon the country from whence she comes." Sir, the people of England have ever answered such an appeal; they have ever answered it in such a way as to reflect no discredit on themselves, and no dishonour on the Sovereign. Sir, I have such respect for the Crown as to suppose that it so endears itself to the people by the benefits it confers upon them, that the return we thus make is a return of gratitude not degrading to it, and not dishonouring to us. I am not going to vote for the Motion made by the hon. and learned Gentleman (Mr. Bowyer). I myself, on a former occasion, proposed an alteration in the form of the grant, and I rather anticipated the proposal before us. It has been said — and the statement has been repeated to-night—that I did wrong on that occasion; that had I proposed a round sum, I was likely to have had a majority of the House with me. The statement has been made to you, Sir, by the hon. Member for Nottingham (Mr. Walter), and it was made some days ago by a very important — self-important — organ of public instruction—*The Times* newspaper. Now, *The Times* newspaper and the hon. Gentleman are both in error. By the forms of this House I could not make the proposal. It was so stated by the right hon. Gentleman the Chancellor of the Exchequer when he proposed the annuity to her Royal Highness, and therefore I can disregard the sort of taunt to which I have been subjected. But let us not now stickle at the terms of this grant. We are about to provide for her Royal Highness, and I am quite sure that the people of England will be glad to see her well and handsomely provided for. I think the grant which I proposed was more advantageous to the Princess Royal than the one adopted; but, as the Ministerial plan has been adopted, let us not haggle over the bargain, and seek to alter its terms. Let us at once say, like a great people as we are, or as we ought to be, —"We will not quarrel about a small sum. Our great object is to make the lady happy." That she may be happy is my fervent prayer, and I would entreat the hon. Gentleman, as I have been entreated before, not to divide the Committee on such an occasion. The sense of the House has been sufficiently expressed on this subject. It has determined to adopt the plan of the Government. Let us not interfere with that decision further, or try vainly to upset it; but let us appear to do what we are about to do, gracefully as well as generously.

MR. W. WILLIAMS said, the revenues of the Crown surrendered to the State did not amount to £300,000 a year, which had been given in exchange for a Civil List of £385,000 a year, as well as a considerable sum for the maintenance of the Royal palaces.

MR. DISRAELI: The right hon. Gentleman (Sir F. Baring) has totally misconceived what I stated. I did not talk of the ancient revenues of the Crown, which he candidly informed the Committee were greater than the Civil List. I spoke of the £260,000 per annum which the Chancellor of the Exchequer took credit for, under the head of "Crown Lands," in the budget of the spring, and I said that that was an estate which Her Majesty might be in possession of. As to the ancient possessions of the Crown referred to by the right hon. Gentleman, they are all abrogated. The hon. Memfor Lambeth speaks of an insinuation which I made. Now, Sir, I indulged in no insinuations; I simply made a statement. I never gave the amount proceeding from the Crown estates when this compact was entered into. What I referred to was, the present revenue of the

Crown estates—namely £260,000; and I have no doubt, if those estates had been left alone, had not been meddled with by Parliament, but had been let to the management of their old proprietor, the revenue derivable from them would be much more considerable. That was the consideration which I urged upon the House, and, Sir, I have heard nothing whatever to change my opinion on the main question. As to the patriotic appeal, and the fervid eloquence of the hon. and learned Member for Sheffield, all I can say is, that I listen to such sentiments with the utmost pleasure, and if all Members for Sheffield would so express themselves, and if the whole House had profited by the patriotic example of the hon. and learned Gentleman, I should not have risen to address the Committee; but, unfortunately, there are Members for Lambeth as well as for Sheffield; and it is because of the Member for Lambeth—the model Member, as I believe he has described himself—who, when a popular Sovereign comes forward to perform the pleasing duty of establishing her daughter in life, answers that she is exacting something from the pockets of the people—that I thought the time had come when I ought to state to the Committee the true facts of the case, and the course which in justice and true policy we ought to pursue.

Mr. ROEBUCK: The right hon. Gentleman has again endeavoured to impress upon the Committee that the bargain made with reference to the Civil List of William IV., or Her Majesty, was a bad one for the Crown. He states that this year £260,000 have been taken credit for by the Chancellor of the Exchequer; and that, if the Crown had not entered into the bargain in question, it would have had this £260,000. So be it; but has not Her Majesty more than that yearly given to her by her people? Has she not £385,000 a year? I am obliged to make these statements in fairness to the Ministry who made the arrangement, and to the people who acquiesced in it. I say, then, that the Queen has made a good bargain, and that she is amply provided for; that she has £385,000 a year, and that, on different occasions, appeals are made to Parliament on her behalf, and on behalf of the Royal Family. I say this is no niggard spirit, Sir, though one can tolerably well understand the sarcasm of the right hon. Gentleman the Member for Buckinghamshire, when he is pleased to speak of my "fervid eloquence." I lay no claim to eloquence. I am a plain-spoken man; but that is no reason why a man may not state the facts as they have passed under his own eyes. I repeat, then, what I have said, and I challenge the right hon. Gentleman to establish the proposition that the Queen did not make a good bargain when she threw herself upon her people, and gave up her hereditary revenue.

Amendment *withdrawn.*

Clause *agreed to;* Preamble *agreed to.*

House resumed.

Bill reported without Amendment: to be read 3° on *Thursday* next.

LUNATICS IN SCOTLAND.
OBSERVATIONS.

On the Order of the Day being read for going into Committee of Supply,

Mr. E. ELLICE (St. Andrews) said, he rose to call the attention of the House to the Report of the Commissioners of Inquiry into the state of Lunatics in Scotland, and to ask what steps the Government intend to take for immediately securing to Pauper Lunatics in Scotland proper protection and maintenance? Having lately carefully examined the Report in question, he found such important matter in it affecting the administration of the law in that country, so many charges of evasion and disregard of the law by the authorities paid and nominated to carry it into execution, that he felt it to be his duty to take the earliest opportunity of calling the attention of the House to the subject, being satisfied that no one acquainted with the facts, possessing the common feelings of humanity, could refrain from demanding of the Government that something should be done to alleviate the sufferings of the persons to whom the Report related. The persons to whose condition he wished to direct the attention of the House constituted, probably, the most helpless class of the whole family of human beings—that class which, under the dispensation of Providence, had been deprived of reason, and which in all countries almost, from the most remote times and in the most savage nations, had been regarded as having peculiar claims upon the sympathy and protection of their fellows. In England and Ireland Boards had been appointed, under which the law for the protection of lunatics had, generally speaking, been satisfactorily administered. He was ashamed to admit that in Scotland unfortunately the state of things had been lamentably different. In Scotland, instead of a Board of Commissioners specially appointed to take care of lunatics, their charge had devolved upon the Sheriffs of counties and the Board of Supervision, which latter body stood in the place of the Poor Law Board in this country. Although no doubt the abuses which had sprung up were in part to be attributed to the unsatisfactory and unprecise state of the law, nevertheless in a great measure the law in its present condition was very ample for the protection of the great proportion of the pauper lunatics in Scotland, if it were properly administered; but he should have unfortunately to charge the authorities to whom he had referred with an almost total neglect of the duties which were incumbent upon them under the law. The power and duties of the Sheriffs in their respective jurisdictions, as laid down by the Act, were very ample. They had "to decide upon every matter and thing to be done which might be necessary for the purpose of ascertaining whether any person or persons confined ought to be confined, and to make such order for their care and confinement, or for their being set at liberty again, as the circumstances of the case might require." They were empowered to give licences for the reception and care and confinement of lunatics; and it was further enacted, that any person keeping a house for the reception of lunatics without a licence from the Sheriff should be liable to a penalty of £200 for each offence. The penalty was extended likewise to all persons sending, or being accessory to sending, any lunatic to custody without such a licence. The Sheriffs had also to attend to the detention of lunatics, and it was provided that no one could lawfully be either received as a lunatic or discharged from custody without the express order in writing of the Sheriff. He would be able to show that in Scotland the granting of these licences formed the exception, and that, in fact, the houses were opened generally without any licence whatever, that the people were detained without any order, or without even any medical certificate, and that if after being confined in these places they died, their friends were not informed of their deaths, which were not reported to any constituted authority, the unfortunate persons disappearing in that mass of misery and filth which he should shortly depict. In addition to the authority of the Sheriff, there were certain regulations required by law in reference to the confinement of the lunatics in these places, and certain provisions as regarded a register being kept. The statute provided, that no one should receive in his exclusive care any insane persons without an order and a certificate signed by two physicians or surgeons, and that the keeper of every such house should within five days after receiving the lunatic transmit to the Sheriff a copy of the certificate, stating the parish where the house was situated, as well as the name of the owner. The statute also provided, that within seven days of the 1st of January in each year there should be transmitted to the Sheriff a certificate signed by two medical men, describing the state of the lunatic, and in case of his death or removal, the death or removal was to be notified to the authorities. There was also to be kept a register of the particular instances of detention, where force was required for the necessary detention of the lunatic. A book was to be produced to the inspectors, who were to record the day of their inspection, and any facts worth noting, and a refusal to produce this book was punishable by heavy penalties. Again, the Sheriff was called on to make regulations for the management of all private madhouses, and to enforce the same by heavy penalties. This related to the case of lunatics in general, and showed that the law as respected the proper custody and maintenance of lunatics in general was, if put into force, sufficient to prevent the existence of gross abuses. He would now refer to the case of the pauper lunatics, who formed a separate class from the general lunatics. The pauper lunatics in Scotland were in the hands of the parochial boards. These, under a Bill brought in about ten years ago, were under the control of the board of supervision, which sat in Edinburgh, and was similar to the Poor Law Board in London. In that law particular reference was made to the custody and care of pauper lunatics. It enacted that, whenever any poor person, chargeable on the parish, should become insane, the parochial Board should, within fourteen days of his being certified to be insane, take care that he was properly lodged in an asylum kept for the maintenance of lunatics. The Board of Supervision had, under the same Act, peculiar power with respect to lunatics. On proper cause being shown them that the lunatic might, with more regard to the feelings of his friends and to his own more comfortable maintenance, be left in the care of his family or friends, it was competent for the Board of Supervision to dispense with his removal to an asylum, and to allow him to remain in the custody of his friends, always having regard to a due inspection, from time to time, as to the care taken of him by his friends. The asylums for pauper lunatics were also subject to the inspection of the sheriffs. Beyond this, the Board of Supervision in Edinburgh had a peculiar power with respect to the maintenance of pauper lunatics, which did not exist in England. He believed that in England there was no legal appeal against the allowance, whatever it might be, which the Board of Guardians chose to make. In Scotland there was such an appeal. In Scotland the Board of Supervision could allow any pauper to appeal to the Court of Sessions, and under the order of that court any amount of maintenance proved to be necessary could by summary means be recovered against the parish. Beyond this, the Board of Supervision had absolute powers to dismiss any inspectors or others neglecting their duty towards the pauper lunatics; consequently, the power of the Board of Supervision over the parishes was as complete as under the circumstances could be expected. He would now refer to certain reports of the Board of Supervision with respect to pauper lunatics. This was no matter of argument or assumption, for, in these reports, the Board themselves admitted their obligation under the law to look to the well-being of the pauper lunatics. In the first report of the Board, in 1847, they state that, having called for and received returns of all the pauper lunatics in the different parishes, and the manner in which they were disposed of, the Board required that all such as were not placed in asylums should be visited by medical gentlemen, who should report whether they would be benefited by being sent to an asylum, and whether or not proper care was taken of them where they resided; that the Board, in all cases in which they dispensed with the removal of the pauper lunatics to asylums, were careful to preserve the necessary safeguards against abuse by requiring a satisfactory medical certificate as to treatment of the lunatics; and that the inspector should exercise a general superintendence over the lunatic paupers in his parish, reporting, if necessary, to the Board of Supervision. Now, he would show that these statements had no foundation in fact, that they were positive untruths, and entirely deceptive, year after year, as to the real state of the lunatics in Scotland. In the second Report, in 1848, the Board stated that they had dispensed with the removal of a certain number of lunatics to asylums, but that in all such cases they were satisfied that suitable accommodation was provided at the cost of the parishes; and in the third Report, in 1849, the Board stated that they had completed their inquiry respecting 2,003 pauper lunatics not confined in asylums, and that they had in all cases required that the allowance paid by the parish should be sufficient not only for the subsistence, but also for securing the proper treatment of the lunatics; that thus they had endeavoured, not unsuccessfully, to improve the condition of this most helpless and hitherto most neglected class of paupers; and that it was due to the parochial Boards to state that they readily co-operated in ameliorating the condition of the pauper lunatics. In the four last Reports, all special reference to the pauper lunatics was omitted, the Board stating that they had no change to report in their manner of proceeding with respect to the pauper lunatics. Now, he would show that the condition and treatment of the pauper lunatic was diametrically opposite to what was there stated. After his statement with respect to the provisions of the law, there could be no doubt that the law was sufficient, in a very great measure indeed, to obviate any danger of the pauper lunatics being neglected or oppressed, if the provisions of the law were properly enforced. Of course, he was aware he should receive an assurance from the Government that, after this Report, some legislation would be had recourse to in another Session to adapt the law to the case of asylums and lunatics generally; but what he should contend for was, that the country had a right to expect from the Government that they would see the existing law enforced forthwith and immediately as affected the proper treatment of lunatics, and that, if it should appear that the authorities had been negligent (to use a mild term) in enforcing the law, due notice should be taken of their conduct. Three years ago he brought in a Bill for the inspection of parochial boards and paupers, on the ground that the Board of Supervision was lax, and that paupers were much neglected in Scotland, but he was met by the reply that his statements were exaggerated, for the purpose of getting up a case, and if he had moved for a Commission of Inquiry as to the state of pauper lunatics, he should no doubt have been met with the same objection. But it was a subject of congratulation that, in consequence of the attention then drawn to the subject, and through the exertions of the Lord Advocate, a Bill had been subsequently brought in and passed, under which inspectors had been appointed. He was now prepared to reiterate the statements he then made, and to prove their complete accuracy. And first with regard to the history of the Report of the late Commission. That Report was entirely due to the exertion of a lady who was not a native of England, Scotland, or Ireland, but of the United States. That lady, Miss Dix, came over, a short time ago, to this country on a philanthropic mission to inquire into the treatment of Lunatics. After visiting the Lunatic Establishments of England, she proceeded to Scotland, where her suspicions were aroused by the great difficulty she experienced in penetrating into the lunatic asylums of Scotland, but when she did gain access to them she found that the unfortunate inmates were in a most miserable condition. She came to London and placed herself in communication with the Secretary of State for the Home Department and with the Duke of Argyll, and at her instance, and without any public movement on the subject, a Royal Commission was appointed to inquire into the state of the Lunatic Asylums of Scotland. No one, he was sure, could read the Report of the Commissioners without feeling grateful to that lady for having been instrumental in exposing proceedings which were disgraceful to this or to any civilized country. The Report was one of the most horrifying documents he had ever seen, and he hoped hon. Gentlemen would be induced to read it; for if they did so, they must, he was sure, be astonished at the treatment to which Lunatics were subjected in Scotland. The duty of seeing that pauper Lunatics were properly provided for, so far as regards the supervision of the regular lunatic asylums in that country devolved upon the Sheriffs, but the Report stated that the Commissioners were only acquainted with one instance, that of Mid-Lothian, in which regulations for the management of licensed houses had been issued by the Sheriff, and that those regulations, without having been formally withdrawn, had fallen into disuse. The Commissioners further stated that the visitations of the Sheriffs and medical inspectors were not sufficiently frequent to secure the patients against gross neglect and improper treatment. The justices of the peace and the ministers of the several parishes had the power of visitation; but, he was sorry to say, that they had not availed themselves of it. The warrant authorising the reception of lunatic patients should be granted by the Sheriff of the county in which the asylum was situated. A medical certificate was necessary to remove a person from his own house to an asylum. But the law in that respect was wholly unheeded at times, and persons had been removed without any semblance of authority. There were no rules or regulations to secure the proper treatment of those persons whilst confined within the houses, nor any power for the discharge of them when they were recovered. It was required by statute that certain records should be kept with reference to the proceedings in lunatic asylums; but this provision was altogether disregarded. The Commissioners stated that frequently there were no records as to cases of restraint, and that when such records existed the authorities had seldom enforced compliance with the provisions of the statute, for no medical case books were kept. If lunatic asylums were suffered to exist some with and others without licences, if such establishments were not subjected to inspection, and if no records as to the treatment of patients were kept, the result must be that there would be great neglect. The House, however, would be surprised at the extent to which such negligence was shown to prevail by the Report. The Commissioners stated that in many cases the patients were scantily fed and clothed; that they were provided with a meagre amount of bedding of the worst kind; that they were subjected to mechanical restraint and to seclusion; that they were occasionally stripped naked, and sent to sleep together upon straw; that no means of recreation were provided for them; that the number of attendants was insufficient; that no provision was made for religious exercises; and that scarcely anything was done to break the cheerless monotony of the existence of these unfortunate persons. The Commissioners further said that the sole aim, in the case of the pauper asylums, seemed to be to accommodate the greatest possible number at the smallest possible outlay, adding that frquently no measures were taken for the separation of the male and female patients—no day rooms—the miserable bed-rooms used both night and day. Often did one of these unfortunates die in the dormitory, and after being kept a considerable time, the body was carted away to the burial-ground, without decent ceremony, without notice to the relations. On the subject of mechanical restraint in the case of pauper lunatics, the Commissioners said that in almost every asylum they found handcuffs, hand-locks, iron gloves, leg-locks, and strait-waistcoats, which were not in the custody of the proprietors or medical officers, but were hanging up in the wards or in the rooms of the attendants, and evidently used without any check. Again, the statute required, under heavy penalties, that on every death, notice should be given to the authorities, who then were to communicate the fact to the relatives of those poor people. The Commissioners stated that this regulation had been wholly disregarded, and that on the death of a patient in a public asylum, no notice of the event was given to the Sheriff, who was thus left without any clue as to what became of the unfortunate individuals for whose incarceration he might possibly have granted his warrant. With regard to the state of the asylums generally, he thought he had stated enough to induce some hon. Members to read the Report who had not already done so. He had only selected one or two passages out of a hundred, and, if hon. Gentlemen would peruse the Report for themselves, they would see that it described a state of things which they could not before have believed to prevail in any civilized country, much less in this country, which laid peculiar claims to civilization, and boasted of its religious and humane principles. The Commissioners went on to describe the difficulties they had in ascertaining the correct number of pauper lunatics. Only a certain number of these pauper lunatics were confined in asylums by order of the Board, the greater part being, from motives of economy on the part of the authorities, permitted to remain in their parishes, under the guardianship of strangers or their own relatives, so that the Commissioners had the greatest difficulty in getting at anything like a correct return of their aggregate number. They applied first of all to the Board of Supervision, but could get from that quarter no return that could be at all relied on. They then made application to the clergy, and he (Mr. Ellice) was sorry to say that they could obtain no reliable information from them even. Their ill-success in that direction induced the suspicion that many of the clergy had in this matter more regard for the pockets of the rate-payers than for the condition of the pauper lunatics. The Commissioners eventually applied to the constabulary force, who in Scotland were an active and intelligent body of men, and through the Inspectors they received such reports as enabled them to arrive at a pretty accurate estimate of the numbers of pauper lunatics in each county. The difference in the returns supplied by the constabulary, compared with those received from the Board of Supervision, was very marked; for example, the Board gave 57 as the number of pauper lunatics in Caithness, while the constabulary returned 90. The discrepancy in the returns for Shetland was still more noticeable, the Board returning 20 as the number, and the constabulary returning 55. The Commissioners had afterwards reason to believe that the returns sent in by the constabulary were, upon the whole, accurate and reliable. In Scotland the number of insane persons of every class amounted in May, 1855, to 7,403, and of those no fewer than 4,642 were pauper lunatics. Of those 4,642, only 1,500 were confined in chartered asylums, and many of those chartered asylums—those, for instance, in Aberdeen, Dundee, Perth, and other places—had been established by the philanthropic efforts of individuals, and were, generally speaking—without any supervision by the legal authorities—under the charge of the medical officers appointed by the persons who, to their great credit, had instituted those asylums. It was not in those asylums, but in the licensed houses, so called, and poor-houses, under the control of the public authorities, where the disgrace lay. He found there were 426 pauper lunatics living in those licensed houses, which were under the jurisdiction of the Sheriff, while in the poor-houses, or living with relatives or strangers, there were no less than 2,671 pauper lunatics, all of whom were under the parochial Boards in the first instance, and the jurisdiction of the Board of Supervision in the second, and the great majority of whom were outdoor paupers. The Commissioners stated that

"The statutes provide that every pauper lunatic shall be sent to a public hospital or asylum, unless the Sheriff shall be of opinion that, in the special circumstances of the case, it is more expedient to place him in a licensed house. The result of this provision, if carried into effect, would be to place all pauper lunatics, unless in exceptional cases, in public asylums. But in practice the enactment is entirely disregarded, and pauper patients are sent to public asylums or licensed houses, just as suits the convenience of the parties interested. In consequence of want of accommodation private houses are opened for paupers, where there is no limitation as to the number or sex of the patients to be admitted; nor has due regard been had to the qualifications of the proprietor, or to his means of providing proper lodging, board, and treatment. The premises are in most cases totally unsuited for the purpose of asylums, and are crowded in an extreme degree."

It appeared that pauper lunatics were admitted to the poor-houses of Edinburgh itself without any licence from the Sheriff, and sometimes without any medical certificate that they were mad at all. The Commissioners said :—

"We have already stated that the Edinburgh city poor-house receives insane and fatuous paupers without any licence from the Sheriff, and that at the time of our first visit this was also the practice in St. Cuthbert's workhouse. Indeed, on visiting the latter house, we found that the patients were admitted, not only without a licence, but even without a medical certificate. The Sheriff had never made an official visitation to either workhouse, so that the responsibility of the management rested solely with the parochial authorities. The reasons for abstaining from applying for a licence appear to have been the wish to avoid payment of the fees, and to be exempt from inspection and interference on the part of the Sheriff. In the two Edinburgh workhouses patients were avowedly received without licence; but there is scarcely a poor-house in the kingdom in which there are not several insane persons who have been irregularly admitted in the same way."

The Commissioners seemed to doubt whether the local Boards had any perception of the difference between ordinary paupers and paupers labouring under insanity, for they went on to say—

"But, first, it may be well to point out the difference existing between an ordinary pauper and one who is labouring under insanity. In the case of the former it may be right to make the poor-house as little attractive as possible, and to hold out no inducement of comfort and better food to swell the number of those claiming admission; but in the case of the insane no such reasons exist for supplying them with merely the barest necessaries, and depriving them of everything that may tend to alleviate their heavy lot. The question is no longer—What is the lowest rate at which pauper patients can be maintained? But, what are the best means of restoring them to sanity? We have no hesitation in saying that, in providing accommodation for insane paupers, the parochial authorities have more consulted the interests of the ratepayers than the well-being of the patients. Economy is their rule of conduct, and has greatly influenced the nature of the accommodation."

The Commissioners further reported :—

"None of the houses which receive patients without licence are officially visited by the Sheriff and medical inspectors. The patients there are under the sole charge of the Poor Law authorities; or, more strictly speaking, of the parochial Boards; for the Board of Supervision seem rarely to make any direct inspection of their condition."

These facts proved the truth of the statement which he ventured to make to the House two years ago, that the Board of Supervision did not do their duty. Another very painful part of the subject was the removal of lunatics from their homes to an asylum, or from one asylum to another. There was a very good asylum at Perth, where certain paupers were confined. One of the private houses bid a smaller sum, and the parish authorities took upon themselves to remove a considerable number of the paupers from the asylum which was properly conducted to the private house, where they would be received at a lower rate, without any regard whatever to the manner in which they would be treated. A long description in the Report was summed up thus—

"Taking all these circumstances into consideration, we are of opinion that the removal of the paupers from Murray's Royal Asylum at Perth into the licensed house of Mr. Aikenhead, at Musselburgh, was effected without the slightest regard to the well-being of the patients, or the feelings of their relatives, and was disgraceful to the authorities who sanctioned the proceeding. Placed as they were near their homes, in a public institution, well-situated in spacious grounds, living in commodious rooms, well warmed and furnished, and having all requisite conveniences, provided with ample diet, clothing, bedding, and medical care and treatment, they were suddenly removed to a distance from their relatives and placed in a small house standing in a low and confined situation, provided with little or no means of exercise, and, from its size, altogether incapable of properly accommodating them or affording them a fair chance of recovery. They were crowded together day and night, in small rooms, imperfectly warmed and ventilated, and almost entirely without seats or tables, and wanting the ordinary conveniences of life. Their clothing and bedding were insufficient; and we have great reason to fear that they were stinted in food. Sickness, with a consequent high rate of mortality, ensued; and during illness and after death little or no regard seems to have been paid to the feelings of their relatives or friends."

He was speaking of things which had occurred, not in times long past, but as recently as the spring of last year. A most terrible case was thus reported—

"As an example may be mentioned the case of a woman who was brought from Orkney to the

Edinburgh asylum in March, 1856, in charge of a sheriff's officer, and who on her arrival was found to be in a state of great exhaustion, having about six ribs broken on each side of the sternum. According to the patient's declaration to the procurator-fiscal of Edinburgh, the injuries were caused by the attendant in the gaol at Kirkwall putting his foot on her breast to enable him to secure her with straps or ropes."

The Commissioners remarked—

> "They are often harshly treated, and during the journey to the asylums are frequently painfully manacled, or secured with ropes, sometimes bound so tightly as to penetrate the flesh, and cruelties of this kind appear to pass unnoticed and unpunished. They are recklessly transported from one place to another, and sometimes brought from remote districts, and shamefully cast free among the population of large towns to get rid of the expense of their maintenance."

There was another case which made his blood run cold. It was perfectly shocking, especially as the subject of it was still alive. A woman was brought to Perth, who had been troublesome with her tongue, having a piece of stick put inside her mouth crossways as a gag, and kept in that position by a string tied behind her head. The authorities did not know how long the stick had been kept there, but when she was taken into the asylum it was found that her tongue, from the long-continued pressure, had mortified, and it sloughed away. Under proper treatment her life was saved, and she became a docile and quiet patient. That was the case of a pauper lunatic in the Perth Asylum only last year. He would now come to the case of those whom he would call out-of-door lunatics. The Sheriff of Aberdeen, who was a bright exception to the general rule of conduct of Sheriffs in Scotland with regard to lunatics, said in his evidence that he did not think the licence of the Sheriff to admit into the poor-house relieved the Board of Supervision of the duty of inspection; but, whatever might be the question as to poor-houses, there was a class of lunatics, numbering about 1,300, for whose condition the Board of Supervision must be held at all events to be peculiarly responsible, because the Board was the cause of their not being put into asylums,—namely, lunatics at large or in the custody of their friends. Their condition was extremely bad, and, in the absence of inspection, they were left in a great measure to chance, and it was difficult to conceive the amount of wretchedness which prevailed amongst them, especially in the rural districts. The Commissioners stated that the instructions given by the Board of Supervision to their Inspectors were immediately to report all cases of insanity; but that those instructions were by no means stringently acted upon, and that many insane persons in receipt of parochial relief were retained as ordinary paupers. No stronger proof could be adduced of the fact that the supervision exercised by the Board in Edinburgh was extremely lax. There was, in truth, no check of any kind upon the Inspector, who was left entirely to his own sense of duty. The Commissioners said—

> "With the insane poor it entirely depends upon the Inspectors whether or not a report is made. A very few conceive it to be their duty, when the paupers are placed with strangers to make such reports; but the proportionally small number of cases in which this is done stands strongly out on comparing the thirty-one reported pauper cases with the total number of insane poor returned by the Board of Supervision as living with strangers, and still more strongly if we adopt the numbers returned by the constables. In the former case the total number is 333, and in the latter 640, so that the proportion of cases reported is respectively as 1 to 11, and as 1 to 21. According to the strict interpretation of the 8th clause of the 9 *Geo.* IV. c. 34, the whole of these cases ought to have been reported to the Sheriff, and the omission to do so has caused the entire care of such patients virtually to devolve upon the Board of Supervision. The Inspectors of the poor, acting in the name of their respective parochial Boards, practically assume an unwarrantable power over pauper patients, in keeping them at home, or placing them in the houses of strangers, in selecting asylums for them, in removing them from asylums, in transferring them from one asylum to another, and generally, in contravention of the Statutes, from a public asylum to a licensed house, and in transporting them, when English or Irish paupers, to the country of their birth. Neither the Board of Supervision, the Sheriff, nor the managers or medical superintendents of chartered asylums, who may collectively be considered as the Guardians of the insane poor, practically exercise any check on this inordinate power assumed by Inspectors."

In the Appendix to the Report of the Commissioners the House would find a mass of information respecting the general treatment of lunatic paupers not in asylums which could not fail to convey to their minds a picture of wretchedness such as had seldom been equalled. The Commissioners said:—

> "A large number are detained at home or illegally placed in the houses of strangers. The generality of these are in a most destitute condition, being badly lodged, ill fed, scantily clothed, and not provided with sufficient bedding. A few are subjected to personal chastisement, some are permanently chained, others are placed in outhouses or are locked up in small closets just

capable of holding them. Many are filthy in their persons, infested with vermin, covered by mere rags, or allowed to remain perfectly naked. Some are without bedding, except loose straw or heather cast on rough boards, and their rooms emit an intolerable stench. Others, again, are homeless, and are allowed to wander at large."

The particular case of a pauper in Loch Carron was thus described :—

"The dwelling in which the lunatic is kept is of the most wretched description. Its dimensions outside the walls are about 9 yards by 4; the walls about 4½ feet high, about 2½ thick, and are composed of turf. The house is thatched with heather, and the roof is pervious to rain in several places. The door, which is about 4 feet high, opens directly into the place where the lunatic is confined. The dimensions of this place are about 9 feet by 7. It has no window, nor any opening for one; the turf walls are bare, and the floor is of earth. When visited it contained no furniture of any description, except the bed to which the lunatic is confined by his chain. The lunatic is always chained, and has been so for the last thirty years. The chain consists of thirteen iron links, and is about 2½ feet in length. One end is fastened to the side of the bed with an iron staple, and the other is passed round his right ancle, and fastened with an iron bolt and nut. He has never left the bed to which he is chained; but about ten years ago he was carried to his present abode from his former dwelling, distant about 200 yards. With this exception he has not been out of a house since he was first confined."

This case was reported to the Board of Supervision. A friend of his—a sheriff substitute—visited the man personally, saw his miserable condition, and communicated the facts to the Sheriff of the county, with a view to his removal to a lunatic asylum. The Sheriff brought the case under the notice of the Board of Supervision, with the result of an arrangement being made with the parochial board, by which a new and suitable dwelling was to be provided for the lunatic and his sister, and a fixed allowance made to her from the poor's funds for attending and taking care of him. Would the House believe that the arrangement was thought to be carried out by removing the man to a wretched hovel about 200 yards from his former place of residence, and affording his sister the miserable pittance of 12*s*. 6*d*. a month? Such was a sample of the treatment of pauper lunatics in Scotland. Another case—that of two insane sisters—was reported by the superintendent of police in a county which the Commissioners, he knew not for what reason, had not named in their report. One of the women, according to the statement of the superintendent, was—

"Confined in a strong wooden cage in the corner of the room, in a state of complete nudity, and hardly a vestige of anything to cover her—nothing whatever in the shape of bed clothing to be seen. An old wooden bedstead was in this cage, similar to those used in our strong rooms, but there was nothing but the boards. She was in a most filthy, dirty state, and quite furious, using awful oaths. It is thirteen years since she became insane, and for the last nine years has been quite furious, and appears to be exceedingly dangerous, as she tears every article of clothing to pieces the moment it is given her, and if she had any opportunity of doing an injury to either her father or mother she would do it."

The other sister, who was thirty-two years of age—

"Became insane in June last, and after being kept in her father's house for some six or seven weeks was sent to the Royal Asylum at ——, where she remained for three months, and was brought home by her father on the 7th instant, as he could not afford to keep her any longer there. He paid for the quarter the sum of £9 10*s*. She appears to have been benefited by her stay in the asylum, but she has relapsed into her old state since she came home. She also is kept in a most filthy state."

The parents were reported as naturally inclined to be dirty in the extreme, and as drunken in their habits. They drank a good deal of whisky, they said, to drive care away when they thought of their daughters. It was true that these sisters were not paupers, but they were on the verge of pauperism, and at all events such an extreme case of horrible treatment ought to have been noticed by the parochial authorities. He now approached a very sad and painful part of the case—the number of lunatic and idiotic women in Scotland who had given birth to children, and whose mental defect was frequently manifested in their offspring.

"These," said the Commissioners, "we have ascertained to amount to not less than 126, and there is cause to believe that many cases of this description have escaped observation, and, also, that the fact of such weak-minded females having given birth to offspring has often, for obvious reasons, been designedly concealed. Accordingly, large as the above number appears, we are satisfied it should be taken considerably higher. It must be kept in view, too, that many of these women have given birth to several children."

In one county—Ayr, he thought—there were fifteen idiot mothers with thirty-one children. In Latheron, in Caithness, with a population of about 8,000, eight mothers were returned with ten children, while one woman was reported pregnant. The largest number of children anywhere returned to one fatuous female was five. The Commissioners said, and he agreed with them, that—

"It thus becomes a question of very serious import whether, for the sake of public morality and civil policy, all fatuous females should not be restricted in their liberty, and be gathered together in poor-houses."

On referring to the particular cases given in the Appendix, he found that many female paupers, insane from birth, had borne one, two, and three children each, and opposite their names was the following remark, "Not sufficiently clothed, fed, or cared for." In many instances the allowances from the poor's funds ranged from 9*s.* to 20*s.* a quarter—sums utterly inadequate for the maintenance of these poor women. Distressing as were the cases which he had mentioned, there were others ten times worse remaining behind—so horrible, indeed, that he durst not venture to shock the feelings of the House by relating them. There were other cases of a similar kind reported by the Commissioners,—

> "The fatuous paupers of the City of Edinburgh, living with relatives or strangers, are twelve in number, and the allowance for some of them, though boarded with strangers, is only 2*s.* a week. Complaints are made that this is insufficient, and, indeed, the fact is self-evident; for, although certain articles of clothing are also found by the parish, it is clear that 2*s.* a week is a very inadequate sum wherewith to provide lodging and food for adult paupers and to afford remuneration for the trouble of looking after them. Such cases as these show either a want of proper supervision of the fatuous poor by inspectors or else a culpable economy on the part of parochial Boards. Of these lunatics 937 are placed with strangers, and 191 are not under the care of any one. Of those placed with strangers, as many as 489 are women. The pauper lunatics amount to 1,998, many of whom should be placed in asylums, and who are left in their present circumstances from their condition being imperfectly reported to the Board of Supervision. When estimating the condition of the insane not in establishments, it should be remembered that the details furnished by us give only an imperfect representation of the true state of matters. They form only a part of the picture of misery, and had we been able to extend our investigations it would, we are convinced, have assumed a much darker shade. We possess little or no information as to the condition of those who have no one to take charge of them."

He (Mr. Ellice) should have begun by saying that the constitution of the Commission was such as to remove all suspicion of partiality or interested motives. It consisted of two gentlemen experienced in cases of lunacy, and fully acquainted with the treatment of such cases, of a very experienced lawyer in Edinburgh, himself a Sheriff of a most populous county, and therefore not a likely man to say anything unnecessarily harsh against his brother Sheriffs or the Board of Supervision; and of a medical gentleman of Edinburgh fully qualified to deal with the subject. All the Commissioners appeared to have set about their task with an earnest desire to ascertain the real facts, and had spared no labour in pursuing their objects. He would next refer the House to the Report of the Board of Supervision which had been recently laid upon the table, dated August of last year. For four years previously the Board had reported "no change in our manner of proceeding in regard to lunatic paupers," but in their last Report they stated,—

Mr. E. Ellice

> "Having ascertained that in some instances the necessary legal forms had not been observed in reference to fatuous paupers who were inmates of poor-houses, we considered it necessary to call the attention of parochial boards, inspectors of poor, poor-house committees, and officials of poor-houses to the requirements of the law in regard to this class of the poor. As we had no reason to believe that the irregularities which had arisen proceeded from any improper motive, we contented ourselves with explaining to the parochial authorities the requirements of the statutes, and warning parochial boards and their officers as to the danger of neglecting them."

One would have thought that, with the knowledge that a Commission of this sort was inquiring into the subject, the Board of Supervision would have had some respect for the common sense of that House and the country. He thought that a Board of Supervision that could pen such a paragraph under the circumstances he had stated should be abolished as soon as possible. He could not understand how any Government could remain passive after the publication of a statement which he would not call wilfully false, but at least culpably incorrect. The declaration that they had confined themselves to "explaining to the parochial authorities the requirements of the statute," after the facts published by the Commissioners, was, he could only think, an insult to the common sense of the Government and the country. He thought he had made out a case to justify his calling attention to this matter, and, although it was unnecessary for him to ask the Government to legislate upon the subject of asylums, as he was sure they intended to do so, yet he felt it necessary to ask what was to be done at the present moment to put an end to those horrors which he had described. What was to be said to those authorities who had so culpably allowed the law to be disregarded? If the Government did not intend to pronounce a severe censure upon those authorities, he conceived they would be abdicating their functions. Before the inquiry, and Report of the Commissioners, it had been admitted that inspection of a local description was requisite. But that Report disclosed such a state of things as showed that more must be done to meet the larger case disclosed. The suggestions of the Commissioners were moderate; they recommended that regulations should be made by which pauper lunatics might be brought under proper visitation, and that steps should be immediately taken to prevent a continuance of that ill-treatment of which they quoted so many instances. The Commissioners also recommended that rules should be framed for the guidance of the Board of Supervision; but he (Mr. Ellice) thought that a Board of Supervision which required rules for its guidance was a misnomer. The control of paupers had been continued to that Board when the right hon. Baronet the Member for Carlisle (Sir J. Graham) introduced the new Poor Law Bill, because its members were supposed to be best acquainted with the wants of the country, and of the mode of meeting those wants. They had failed in their duty, and he therefore asked that a direct condemnation should be passed upon those who had so neglected their charge, and that some statement might be made of the measures to be adopted to compel that Board to pay proper attention to its duties, and to protect pauper lunatics from continued neglect and abuse.

SIR GEORGE GREY: I am not surprised that my hon. Friend, as one of the representatives of Scotland, should have felt it to be his duty upon the earliest opportunity to call the attention of—I will not say the Government, for our attention has already been given to it—but the attention of the House and the country to the Report recently made by the Commissioners appointed two years ago to inquire into the state of lunatic asylums, and the care and treatment of lunatics in Scotland, containing, as that Report does, statements of facts calculated to cast very great discredit upon that portion of the United Kingdom. I shall not follow my hon. Friend through the details of the Report, but can only express a hope that the observations he has made may lead hon. Members to read that Report themselves, and especially those Members who are returned by Scotch constituencies, because upon them mainly depends the adoption of those means which alone can be effectual to remedy the gross cases of neglect and abuse complained of; and I trust that the perusal of the Report will secure the hearty co-operation of every Member from that part of the United Kingdom in the adoption of measures which will prevent the continuance of such a state of things. In one respect only do I differ from my hon. Friend; I do not know whether he meant exactly what I collected from his statement, but I understood him to state that the law in Scotland was far from being defective, that the law provided safeguards and securities for the proper treatment and care of the helpless class whose condition we are considering, but that the defects revealed by the Report arose from a defective administration of that law. [MR. E. ELLICE: I confined that statement to the case of pauper lunatics.] Then, I must say that, as to pauper lunatics, especially, I think this Report shows great defects in the present state of the law. Allow me to call the attention of the House to a passage in the concluding portion of the Report, which is the key to most of the abuses therein detailed.

> "Gross anomalies exist in the statute. Thus—the statute requires that pauper lunatics should be sent to a public asylum, while it omits to make any provision by enactment for the erection of such establishments."

There does not exist at the present moment in Scotland one single establishment supported by local rates or by public funds appropriated by the State. The only asylums of which favourable mention can be made are those which are termed chartered asylums, owing their origin to the munificent benevolence of individuals, but which are self-supporting because they only receive a class of patients whose friends are in a position to pay for their maintenance. After these asylums, which can only receive a limited number of the superior class of lunatics, the Commissioners speak of the licensed houses, and those portions of poor-houses appropriated to the reception of lunatics as of the worst possible description, as, indeed, might well be expected when we find no provision made for the proper reception of that class of paupers who most need care, but who, in many cases, at present are subjected to treatment too horrible to contemplate. This Report very clearly demonstrates a most defective state of the law, especially as respects due provision for the unfortunate class of pauper lunatics — defects that once existed in this country, but which have been remedied by imposing on every borough and county in England the duty of providing out of local funds establishments, subject to the approval of the

Government, in which the care and treatment of these unfortunate persons may be properly attended to. I can assure my hon. Friend that as soon as that Report came into my hands, which was only fifteen days ago, my attention was immediately given to it. I lost no time in consulting my learned Friend the Lord Advocate as to the measures which ought to be taken; and I shall now state generally what steps have been taken and what steps we intend to take regarding it. First of all, let me say as to the origin of the Report, that I entirely concur with my hon. Friend in the tribute of admiration which he has paid to the benevolence of the American lady who some time ago visited this country and took a deep interest in the welfare of this unfortunate class of beings. That lady went to Scotland, and on her behalf an application was made to me to enable her to get access to all establishments for the reception of lunatics. The Duke of Argyll, Lord Shaftesbury, and the Lord Advocate were aware of her wishes and represented them to me, and I most cordially agreed to give her every facility in visiting those establishments. Even before the visits of Miss Dix to the licensed houses and other places where pauper lunatics are confined, the matter had been under the consideration of the Government; and the result was, that as my hon. Friend has informed the House, the Government, about two years ago, thought it desirable to issue a Commission for a fuller investigation of the whole of this subject than had previously taken place. He has also done the Government but justice in saying that we were desirous that that Commission should be so composed as to insure an efficient discharge of the important duties intrusted to it. I put myself in communication with the Lunacy Commissioners here, and two of their number—Mr. Campbell and Mr. Gaskell—were appointed on the Commission, assisted by Dr. Coxe, an eminent man who has devoted much of his time and attention to this subject, and with them was associated Mr. Sheriff Monteith. The result of their labours is now before us. I am bound to say that they have discharged their duty with great ability and honesty, and I trust the effect will be to confer an incalculable boon upon the unfortunate class into whose case they were appointed to inquire. As my hon. Friend seemed to intimate that the Board of Supervision and other authorities in Scotland had thrown obstacles in the way of the inquiries of the Commissioners, I beg, in justice to the Board, to call the attention of the House to one paragraph in the Report which by no means bears out my hon. Friend's statement. In that paragraph it is said:—

> "We take this opportunity of acknowledging our obligations to the various legal authorities; the Board of Supervision for Relief of the Poor, and parochial Inspectors; the General Board of Prisons and governors of prisons; the Secretaries and Superintendents of public asylums; and to many of the proprietors of private asylums, for the willing and ready manner in which they aided us in our inquiries."

I have to state to the House, that after even a cursory perusal of the Report, I thought it my duty to address a letter to the Board of Supervision, enclosing a copy of the Report and Appendix, and informing the Board that the statement of facts therein related was one that demanded and would receive the immediate attention of the Government, with the view of applying a remedy to the evils brought to light; but that, independently of any general measures which the Government might propose, the attention of the Board ought to be directed, without delay, to the allegations of cases of cruelty and neglect that had taken place in the administration of the existing law. I received an acknowledgment of that letter from Sir J. M'Neill, the president of the Board of Supervision, thanking me for the communication, which he said should be laid before the Board at its next meeting, and expressing his desire to be furnished with more definite information on various points adverted to in the Report. I accordingly addressed a letter to the Lunacy Commissioners, asking them to put themselves in communication with the Board of Supervision, and to supply all the information that could be required by the Board, in order to a full investigation of the various cases. I will not enter into a defence of the Board of Supervision; but I think hon. Gentlemen ought to suspend their judgments, and not ask the Government to pass a censure on the Board till they have heard the statement that will be made by the Board itself. I believe my hon. Friend has very much over-rated the power of the Board of Supervision as to control. I am far from saying they are free from blame; but on reading the Report, it is plain that whatever blame exists is shared by the parochial Boards, by the inspectors of the poor, by the sheriffs, the clergy, the justices of the peace, and the Commissioners of Supply. One great defect, indeed, in the existing law is the imperfect responsibility thrown upon these persons, no one being called on to take on himself the undivided responsibility that is necessary to the due performance of duties of this kind. I have also to state, that my hon. and learned Friend the Lord Advocate has addressed a letter to the Sheriffs of counties, sending them a copy of the Report, and calling their attention to the alleged cases of neglect of duty on the part of sheriffs in the exercise of the visitorial powers given to them by law, and asking in such cases for any explanation they may have to offer. When these explanations are given, my hon. and learned Friend will know what course it will be proper to take regarding that part of the subject. With regard to individual cases of gross cruelty, or illegal proceedings, I may observe that these particular cases are now under the consideration of the Lord Advocate. Time is, however, required, in order to do full justice in these cases, and I hope the House will bear in mind that only a fortnight has elapsed since a printed copy of the Report was put into my hands. I trust it will be the opinion of the House, that the Government have lost no time in taking those measures that were thought necessary to correct what may be amiss in the administration of the present law. With regard to the steps hereafter to be taken, I may observe that we intend to ask Parliament for leave to introduce a Bill calculated to remove those defects in the law that are proved to exist by the statements made in this Report. This is not the first time that a measure on this subject will have been laid before Parliament. The late Lord Rutherfurd, when Lord Advocate, brought in a Bill which, if passed, would, I believe, have remedied all the evils now complained of. That Bill was read a second time with the warm approbation of many Scotch Members on both sides of the House, and was by common consent referred to a Select Committee; but the opposition raised to it in Scotland on the miserable ground of the expense it would incur proved fatal to the measure, and the Lord Advocate found himself unable to carry it. It is deeply to be lamented that he was not able successfully to persevere with that measure; but I trust that a different result will be arrived at with regard to the Bill which my hon. and learned Friend will propose to the House. I trust the disgrace that now attaches to Scotland in this matter will be thereby removed, and that this and the other House of Parliament will cordially co-operate with the Government in the adoption of those measures that are necessary for the relief and protection of the unfortunate class of persons referred to in this Report.

Mr. DRUMMOND said, that he recollected the measure to which the right hon. Baronet had referred. It was from knowing something of that darker shade which, as the Commissioner stated, remained behind, that, when Lord Rutherfurd was Lord Advocate, he (Mr. Drummond) endeavoured to get some returns that would give information to the House on this question. Everybody who knew Lord Rutherfurd would say that a more humane man never existed, and accordingly he obtained from him every assistance in his power to procure the returns which he desired; but all his efforts were fruitless. Both he and the Lord Advocate were beaten by the systematic opposition of every single person who was connected with the administration of the system in Scotland. They would not give the returns sought for. And he recollected the Lord Advocate taking him behind the chair on one occasion and showing him some most defective and imperfect returns which had been made, and saying to him, "There is nothing for it but to abuse me and the Government." Accordingly he agreed to do so, and did it; when the Lord Advocate stated in the House that all he had said was perfectly true; but it would not do. He was unable to procure the returns, and the ground of the opposition was the dread of the dirty expense which might be incurred. From one to the other it appeared that the object of care in Scotland was property, not persons. The way in which they treated the poor in Scotland was perfectly scandalous, and in nothing did the system appear so bad as in the treatment of pauper lunatics, the rich lunatics being sufficiently well taken care of. On reading the Report one could not help being struck, in the first place, with the neglect of duty by the Sheriffs, and, in the next, with the total neglect of duty exhibited by all the magistrates. How was it that throughout the whole of Scotland there was not one clergyman who could find time to visit these poor creatures? True, there was one, but when he went to the asylum he was refused admittance; and why? Because he was a Papist. The poor law, as managed by the Board of Supervision, had been well defined to be "a law for depriving the poor of their just rights." Three cases which he had taken at hazard well illustrated this. The relief amounted to something like mockery:—A woman of sixty-four years of age, who had lost the use of her right arm, who had asthma and a cough, was allowed 2*s*. a month; one of which was deducted for some purpose or other. Another case was that of a poor woman, deserted by her husband, with three children under seven years of age. He did not know what they allowed her, but she lived all day on a turnip, which one of the children stole out of a garden. To an Irishman, a Roman Catholic, with an asthma and an ulcerated leg, they gave nominally 4*s*. a week, but the inspector kept back 3*s*. of it for rent. All these cases were brought before the Board of Supervision, but it refused to interfere until some person, with whom he was well acquainted, but whose name he would not mention, insisted upon having a row made about them. Now, that this Report was fresh in everybody's mind, was the time for doing something to remedy these evils; but he warned the Lord Advocate that unless he exerted himself to the utmost he would meet with the same discomfiture as Lord Rutherfurd.

MR. F. DUNDAS said, that he thanked the hon. Member for the forcible appeal he had made to the House, but in reference to a case mentioned by Mr. Ellice, he had a letter from Professor Aytoun, the Sheriff of the county in question, who assured him that, after instituting an inquiry, he was satisfied that the woman was labouring under a delusion. Still he (Mr. Dundas) was afraid that so good an answer could not be made to all the charges which had been brought forward; and he was glad, therefore, that an investigation had taken place which was likely to put an end to so serious and so grave an evil.

SIR EDWARD COLEBROOKE said, that there were others who had a greater share of responsibility than those who had the execution of the law as regarded these asylums. He did not so much allude to the Sheriffs as he did to the Imperial Parliament, to whose neglect in not having taken measures at an earlier period most of the existing evils must be attributed. As one of the Members for Scotland in the last Parliament, he must take his share of the blame that attached to the House in reference to these Scotch asylums. In a Report issued by a Committee as long ago as the year 1844, it was recommended that more stringent provisions should be introduced into the law, but they had not been attended to. Much evil arose from the divided responsibility under the present system, and he was of opinion that a proper Central Board, provided with sufficient power, would tend to remedy the existing state of things most effectually. When the late Lord Rutherfurd endeavoured to remedy the law by the introduction of a Bill, the Bill was received with a profusion of compliments, but after its introduction they heard nothing more of it. The Home Secretary was quite correct in attributing the opposition which Lord Rutherfurd's Bill had met with to motives of economy; and a very mistaken economy it was, for it was a well-known fact that patients afflicted with this distressing malady, who might easily have been cured at first, became incurable for want of care and attention, and that a permanent charge was thrown on the ratepayers. He trusted that the Secretary for the Home Department would see that the officials of these asylums peformed their duties with more care.

MR. KINNAIRD said, that the Scotch Members owed a debt of gratitude to his hon. Friend for the very able manner in which he had laid this disgraceful feature in the administration of the Scotch Poor Law before the House. Some hon. Members, he believed, were under a misapprehension that one of the cases of gross cruelty described by his hon. Friend had occurred in the Perth Asylum, but that was not the fact. The case in question occurred elsewhere, but the patient was afterwards brought into the Perth Asylum, and there treated with great humanity and kindness. He had always been in the habit of visiting the asylum in the town which he represented (Perth), and he was glad to find that it was not one of those which had disgraced Scotland. Great praise was due to the Home Secretary for the vigour with which he had prosecuted this matter.

COLONEL SYKES said, that a remedy should be applied to this evil at the earliest possible period, and the Lunacy Commission of England afforded an example of one which could not fail to be successful. Up to a recent period, the condition of Lunatics in England was quite as bad as it had been described to be in Scotland, and in consequence, Mr. Robert Gordon and some other philanthropic gentlemen procured the establishment of the Lunacy Commission. That Commission, of which he (Colonel Sykes) was an unpaid member, from 1835 to 1845, found that even in respectable licensed establishments, in which £50, £60, and £100 per annum was paid by the friends of the inmates, the patients were chained to their chairs and their beds. The Commission had put an end to the existence of these and other atrocities in England, and he had no doubt that the extension of the Commission to Scotland, or the establishment of a similar body, consisting of stipendiaries and philanthropists there, would produce similar results in that country; but he would remind the Government that, if there were any divided authority, these results would not be accomplished.

THE LORD ADVOCATE said, that so far from regretting the publication of this Report, or the statements made by his hon. Friend, he rejoiced at them from the bottom of his heart, because this state of things had for a long time been a disgrace and a scandal to Scotland. The people of that country had known that it was a disgrace and a scandal; and he regretted to add, that it was not the first time that statements had been made similar to those to which they had just listened. An attempt had been made to remedy this state of things, but that attempt had failed. The Commissioners, in their Report, suggested certain matters as the groundwork of a remedy, and in referring to the measure introduced by his late much-lamented Friend, Lord Rutherfurd, he found that it included all these suggestions. Therefore, had that Bill been passed in the year 1848, this disgraceful state of things would have been put an end to. What was the fate of that measure? He found, on referring back to the Minutes of that date, that not a single petition was presented in its favour; while, on the other hand, twelve of the largest and most important counties of Scotland petitioned against it. Therefore, it was not the fault of the Government of that day that this state of things continued. He was in communication with Lord Rutherfurd upon this subject up to the day of his death, but he had not the courage to re-introduce the Bill which that learned Lord had, with all his powers, failed to carry, until circumstances had brought about a change of feeling in Scotland. He endeavoured in the first place to carry the Valuation Bill, in order to place the assessment for public objects on a satisfactory footing. That Bill was passed in 1854. In the year 1855 the noble-minded lady to whom his right hon. Friend had alluded, and who, greatly to her credit, had made so many exertions on behalf of this neglected class of the population, went to Edinburgh, and visited the asylums at Musselburgh. After seeing them, she said there was something wrong, and she wished to be allowed to visit them at the dead of night, when she would not be expected. He felt a difficulty about giving a permission of that kind to a non-official person, and accordingly she applied to his right hon. Friend the Home Secretary. His right hon. Friend asked him (the Lord Advocate) his opinion upon the subject, and he at once stated that the whole system with regard to the treatment of lunacy in Scotland was utterly disgraceful, and that the evil could only be reached by a Commission of Inquiry. The result was the appointment of the Commission, to the Report of which attention had been called so ably that evening; and the facts were now so clearly proved that he believed, if he proposed the very remedy which was rejected in 1848, it would be adopted by both Houses of Parliament without any important opposition. He would not, on this occasion, enter into a discussion of the merits of the Poor Law in Scotland, nor did he think it desirable to express any opinion as to the conduct of the officials, whether the Board of Supervision or the Sheriffs, and that for this simple reason, that the House had heard only one side and not the other. He would, however, assure hon. Gentlemen that all the matters in this Report which seemed to need further inquiry should receive his earnest attention.

COLONEL SYKES said, it must not be supposed that the censures in this Report were of universal application. The Aberdeen Asylum, for instance, was one of the best in Great Britain.

MR. HOPE JOHNSTONE said, he believed that public feeling in Scotland with regard to this subject had very much changed of late years. Information on the subject of lunacy was now much more complete than it was forty years ago, and the Government would find that the people of Scotland were now quite willing to concur with them in the application of an effectual remedy to the evil complained of.

Mr. FERGUS believed that it was a financial objection that had caused the opposition to Lord Rutherfurd's Bill; but he was sure there would be no such opposition to a similar measure if brought forward, now that hon. Members had had an opportunity of reading the facts detailed in the Report of the Commission. He hoped, therefore, that the Lord Advocate would bring in a Bill on the subject without further delay.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee.

Mr. FitzRoy in the Chair.

(1.) £251,238, Manufacturing Departments, &c.

Sir JOHN TRELAWNY rose to make some observations with regard to the position of sergeants in the army.

The CHAIRMAN said, that these remarks, as referring to a subject not included in this Vote, would be irregular.

Mr. SPOONER wished to ask the hon. Baronet the Under Secretary for War whether it was true that in 1855 the Government advanced a large sum of money to enable an American house to set up a manufactory of arms in America? If he (Mr. Spooner) was correctly informed, the Government in 1855 entered into a contract with Messrs. Fox and Henderson and an American house for a supply of arms for our soldiers; and in order to enable that American house to set up the manufactory or machinery advanced it a sum of £20,000 to begin with, and a further sum of £6,000 at a subsequent period—a large portion of which money was now due to this country, both the American house and Messrs. Fox and Henderson having failed. He wished to know, before the particulars of the Vote were entered into, whether his information was correct; and, if it was, by what authority such an advance of the public money was made for the purpose of setting up a manufactory of arms in America? If such a transaction had taken place, he believed it was a totally unjustifiable one. In fact, he was at a loss to know what reason could be given for such an appropriation, or rather misappropriation, of money voted by that House for the manufacture of arms, and not for the purpose of setting up a manufactory, especially a manufactory in a foreign country. He believed the Government held some security in the shape of a mortgage over buildings and land in America, but a very large amount was due to the Government; and on grounds of national policy as well as of finance, he thought the matter one that required explanation. He could not but regard the act of the Government as unconstitutional. When replying to his question, perhaps the hon. Baronet would be good enough to state what steps were being taken by the Government to get back their money; and what was the nature of the security held for the amount.

Sir JOHN RAMSDEN said, he had no complaint to make of the course taken by the hon. Member for North Warwickshire in making this inquiry. It was quite true that an advance had been made by the Government to a manufacturing house in America; and he (Sir J. Ramsden) must commence his explanation by admitting, on the part of the Government, a rather larger amount of delinquency than that charged by that hon. Gentleman. He trusted, however, that when the Committee had heard the statement which he (Sir J. Ramsden) had to make, and which he would do as shortly as possible, they would take a more favourable view of the conduct of the Government in the transaction than that entertained by the hon. Member for North Warwickshire. It would be in the recollection of the Committee that when the war was at its height, there was a very large supply of small arms required—very much larger than it was possible for the home trade to supply, and it was found expedient to have recourse to the foreign market. In the first place, a contract was sent out to the home manufacturers; and when they were fully employed and the demand still unsatisfied, the Government had to have recourse to the foreign manufacturer. Contracts were entered into with houses in France and Belgium; but all they could do to meet the demand was insufficient, and still further arms were required. Messrs. Fox and Henderson were then engaged in various contracts for the Ordnance, and they suggested that they could procure 25,000 stand of arms from America, made on the best principles, and by machinery. They stated at the same time, that in order to enable the American house to set up the expensive machinery necessary for that contract, an advance should be made. Under those circumstances—considering the very great demand there was for arms, and how desirable it was to get a supply of an additional 25,000—the Government thought it advisable to make an advance, and accordingly an advance was made of, in the first instance, £21,875, which was one-fourth of the entire amount to be paid for the performance of the contract: 25,000 rifles were to be supplied at £3 10*s.* each. The whole contract was to amount to £87,000, so that the amount advanced was one-fourth. By the terms of the agreement, as the arms were delivered payments were to be made, on the principle of deducting one-fourth, which was to go in diminution of the advance of £21,875. Some months after the contract was entered into, the American house was in want of money, and was unable, without a further advance, to carry out the contract. It then became a question with the Government whether it should close the security at once, or advance more money in order to enable the contractors to carry out their contract. The matter was very carefully considered, and taking into account the urgent requirements of the public service, it was determined to advance more money, and even a larger sum than that stated by the hon. Member for North Warwickshire was advanced. In various amounts about £14,000 was advanced in addition to the original sum; so that the total sum advanced was £35,659. But he should beg of the Committee to bear in mind that during the time these further advances were being made the arms were being delivered, of very good quality, in very considerable quantities, and with great regularity. The manufacture of arms by the American firm went on throughout 1856; but when 10,000 stand had been delivered information was given to the Government that the American house could not continue the contract. At the end of the account 10,000 stand of arms had been delivered, and the balance of money due to the English Government from the American house was £24,185. Steps were immediately taken to close the contract, and to realize the security held by the Government. That was at the end of 1856, and those steps were still in progress; and the Government was informed that the value of the machinery and of the buildings, and of the land which was attached to the latter, was very much larger than the amount of the debt due to our Treasury by the firm. Government was not yet informed whether that security had been realized, and it was impossible for him to say how much it would realize, for though it was of very great value, it was of such a peculiar character that the number of purchasers for such property was necessarily limited. But he had to inform the hon. Gentleman that, in addition to that security in America, which Messrs. Fox and Henderson had considered perfectly sufficient to justify them in advancing their own money to the American house, the Government had another security, which was one on the estate of Messrs. Fox and Henderson. It was only right he should state that, though Messrs. Fox and Henderson had met with pecuniary difficulties, there was no shadow of imputation on them in reference to the contract now under discussion. Their conduct throughout these transactions had been most honourable and straightforward. The hon. Member for North Warwickshire thought these advances a misappropriation of the public money. The hon. Gentleman seemed to be under the impression that the money so advanced was a portion of an amount voted for a particular tender; but that was a mistake. The Committee would find on a reference to the Estimates for the army and commissariat in 1855-6, a sum of £257,400 granted for the supply of small arms. Out of that money the advance was made, and he was of opinion that it was perfectly competent to the Government to so apply a portion of money not granted for any particular contract, but for a general supply of small arms. The advances were brought forward in the accounts in the usual manner, as hon. Members would find on reference to page 70 of a Return laid on the table of the late House, on the 26th of July, 1856. On that page was an entry "Sums advanced to Messrs. Fox and Henderson, £26,485 11*s.* 8*d.*," showing a regular account of the advances up to the date of the preparation of that Return. He trusted that this explanation would be deemed satisfactory by the hon. Member for North Warwickshire and the Committee.

Mr. SPOONER asked, was the security alluded to by the hon. Baronet as on the property of Messrs. Fox and Henderson, a specific security, or merely a charge on their estate, which would only give a right of proof against it?

Sir JOHN RAMSDEN: A charge on the estate, not a specific security.

Mr. SPOONER observed, that a proof of £25,000 had been tendered against the estate.

Sir JOHN RAMSDEN said, that the charge of the Government against the estate of Messrs. Fox and Henderson would not come into effect unless the mortgage on the property in America should prove insufficient. In such an event Government would have a further claim against the general estate. He could not answer the hon. Member as to what were the exact steps which had been taken to prove the claim of the Government against Messrs. Fox and Henderson's estate. He was not himself aware of the precise nature of the proceedings in that respect.

Mr. NEWDEGATE said, that he could not but express his opinion that the Government ought not to have felt itself authorized, without the consent of that House, to spend in the shape of advances to an American firm, in order to enable that firm to manufacture arms, a portion of a sum voted for the purposes of the Army and Commissariat. In 1854 the Government proposed that a sum of £100,000 should be spent on the small arms manufactory at Enfield, which establishment it was stated would supply arms for our soldiers. Thus the arms trade of England was given to understand that they would not be called on for a supply. However, a Committee of that House was subsequently appointed to inquire into the matter, and that Committee was of opinion that the Government had committed a mistake. The Government was virtually told by the Report of that Committee that it had only to send orders to the arms trade of England and its orders would be supplied. He (Mr. Newdegate) had stated, on behalf of the trade when supporting the Motion for the appointment of the Committee, that the manufacturers of this country were perfectly prepared to supply 50,000 stand the first year; 100,000 the next; and more than 100,000 the year after. The House was convinced of the truth of that assertion; but an authority from the Ordnance stated before that Committee that the arms trade of England could not be depended on for the supply of more than 30,000 stand per year: by such assertions the Government had been misled. In two years and a half the arms trade supplied not less than 272,000 stand of arms, thus greatly exceeding the rate which he had assured the House they were capable of producing. In consequence of the Report of the Committee, the Government reduced the Vote they had proposed of £100,000 to £25,000, to be expended, not in the erection of a large and new manufactory at Enfield, but in the enlargement of the factory already existing there. What happened? They did not expend that 25,000 on the existing factory at Enfield, but applied it to the purchase of machinery for a new factory, which the House, at the instance of its own Committee, had prohibited. Afterwards in 1855, not only did the noble Viscount at the head of the Government, with that tact which at all times distinguished him, persuade the House to submit to this unauthorized reversal of its Vote, but in successive years to expend, not £150,000, which was the maximum stated in 1854 to be expended in two years, but £300,000, on the factory at Enfield, which up to March last had not turned out a single musket. After that he could not be surprised that the Government should presume upon the carelessness or the indulgence of the House, and without scruple, advance £20,000 or £30,000 to some foreign house, through an English house, for the production of a supply of small arms. The noble Lord had taunted his hon. Colleague with speaking in behalf of the interests of his constituents. Now it happened that orders for arms were sent not only to America but to Belgium and France in 1854, because the Government could not be persuaded to trust the arms trade of England. The result was that whilst the trade of England supplied 272,000 stand of arms during the period of the war, not one single musket for the purposes of the war did the Government obtain through, and during the period, those foreign orders; nor yet one to represent the return on the £300,000 which had been expended on the manufactory at Enfield. The noble Lord then should not have taunted the Members for North Warwickshire as having promoted the interests of their constituents to the detriment of the interests of the country; the fact being that if it had not been for the labours of the arms trade of England, of which the Government had entertained so ill-founded and unnatural a distrust, they would not have had a supply of arms for the purposes of the war. The course the Government had adopted was to send the admirable pattern for the Enfield rifle out of the country, to be made by foreigners; and when the foreigners confessed that they could not make muskets of that pattern at the price of £3 4*s*., Government then agreed to give them £3 10*s*., or 6*s*. more, and sent skilled workmen from Birmingham to teach them to make them from the patterns which they had not invented, and could not carry out themselves. Now, he should like to know what was the use of inventing the best pattern muskets for the army of England if the most ordinary precautions were not to be taken, not merely for preventing foreigners from knowing how to make them, but to avoid teaching them how to do so. There was reason to believe that another most valuable discovery had been made in the rifling of small arms; and he trusted the Government would not disappoint those who had worked for them, as the trade of England had done, by allowing the new patterns to be consigned to foreigners before the home trade had the power of endeavouring to give the army of England at least priority in the possession of that weapon. The Government seemed to him (Mr. Newdegate) to claim a very wide latitude in applying the balances of public money. To appropriate the balance which might arise between the Commissariat expenditure and the Commissariat Vote as advances to foreign houses for the purpose of enabling those houses to make arms for this country from our own patterns was what he thought the House of Commons could never approve. He hoped, then, that the noble Lord, in considering the future conduct of the Government, would endeavour to limit his administration somewhat more within the rules which Parliament had always observed under the constitutional monarchy of England.

VISCOUNT PALMERSTON could assure the hon. Gentleman that he had not meant to taunt him and his hon. Colleague with having taken a peculiar interest in regard to the affairs of their constituents. It was only natural that they should do that; at the same time it was but right that the House of Commons, when considering this question, should know exactly in what capacity and character hon. Gentlemen stood who offered certain opinions, so that it might be seen whether those opinions were impartial and unprejudiced as between the Government and the small arm manufacturers. It was all very well at the present moment to say that the Government were prodigal in sending orders to France, Belgium, and America for muskets when the trade at home might have furnished, as the hon. Gentleman said, 50,000 in the first year, and 100,000 in the next. [Mr. NEWDEGATE said, they did supply at the rate of 100,000 a year.] What the hon. Member engaged for the trade to do was to supply 50,000 stand the first year and 100,000 the next. But the first year was a year of great pressure, and 50,000 was not anything like the number of muskets which were required of the improved pattern. The Government were, therefore, obliged to go all over the world, wherever they could get muskets made, to supply the immediate and pressing wants of the service. That system arose on the emergency of the moment, and he thought they were perfectly justified in adopting it, and that they would have been very much to blame had they not done so. If the war had gone on, and they had not had proper muskets to put into the hands of the troops, it would have been no answer to say that they could only get a limited number from our own manufacturers, and did not choose to go and employ persons at Liege, at St. Etienne, and in America. But the hon. Gentleman said that the Government had employed money which had been voted by Parliament for one purpose in making advances for another. His hon. Friend (Sir J. Ramsden), however, had explained that this was not the case. The advance to the American house was an advance made out of Votes which were specially for the supply of small arms, and there was nothing in the Vote of Parliament to limit the quarters whence that supply was to come. Therefore, the transaction was perfectly constitutional and Parliamentary. The hon. Gentleman had also observed, that by going to Liege and other places, and sending thither the patterns upon which the supply was to be made, the Government had put into the hands of foreigners those improvements which ought to have been kept secret for ourselves. Did the hon. Gentleman really believe that any improvement in small arms made in any country whatsoever could be kept a secret for the sole benefit of that country? Why, God bless me! if we wanted to get patterns of Russian arms, or American arms, or French arms, or Austrian arms, or Prussian arms, we could get them in the shortest possible time, and the hon. Gentleman may rest perfectly assured that there is no improvement which can be made in the arms of this country which any other country, wanting to acquire it, will not also get in the shortest possible period. The idea, then, that any improvement in the musket could be kept a secret in one country, for the exclusive benefit of that country, was altogether a delusion. On the one hand, whilst no possible injury had arisen from the course which had been adopted, on the other hand, that course was the only one by which an immediate supply of small arms could be obtained.

MR. SPOONER: The noble Lord seemed to forget that he did not obtain a supply; that he sent the patterns abroad; but that during the war he got all his arms from Birmingham and London. It was true the Committee had agreed to a Vote for the purpose of getting small arms; but if the noble Lord had come down and put the question in this way—"We want to establish a foreign manufactory; give us leave to lend £30,000 or £40,000 to Americans for the purpose," did he believe that the Committee would have entertained his proposal? The noble Lord said that we could not keep our patterns secret; but the fact was that the Government not only sent the orders and the patterns, but the men how to teach foreigners to make the new muskets. The foreigners declared they did not know how to make these new arms, and under the name of "viewers" the Government sent them out the best men they could seduce from the service of their employers in Birmingham, to the great injury of the trade. The noble Lord said the arrangements entered into was rendered necessary by the emergency of the case—that it was not intended to be a permanent arrangement. But was the noble Lord aware what was going on at Birmingham at this moment? Why, there were agents there who were paying premiums to the workmen to induce them to leave. He could prove that large sums of money had been given to induce the men to quit their employers, and that upon their doing so they had gone to work at Enfield. Only within the last few days the order for "sights" had been suspended, and the men who were engaged in that branch of the manufacture, being the best filers, simultaneously with the suspension of these orders being turned out of employment, the streets of the town were placarded with notices that a number of the best filers were wanted at Enfield. Was that, he asked, a fair way of dealing with the trade? He contended that the persons who were sent to give orders at Birmingham, and to see that the manufacture was conducted properly, ought to be persons totally unconnected with the establishment at Enfield, inasmuch as persons employed there felt a natural anxiety to encourage that establishment. If the noble Lord would only carry out what he had stated the other night, that Enfield was only wanted—not to rival the London or Birmingham manufacturer—but simply to establish a manufactory by which the Government themselves could come into possession of knowledge which was exceedingly necessary, and have the means of introducing the best machinery, and doing the best they could to improve the manufacture generally, no man would complain. But when he saw a spirit of rivalry introduced, every possible attempt made to entice the men from their natural employers into the Government manufactory at Enfield, and that the orders were not given out in a regular tradesmanlike manner, then he must say that it did excite more than a suspicion in his mind that it was intended to set up at the public expense, and with the public money, a manufactory the ultimate object of which was to remove the whole of the gun trade from London and Birmingham, and put it into the hands of the Government at Enfield. He warned the Committee, then, not to lend itself to such a dangerous experiment. He would observe, with regard to Enfield, that the Government issued orders, and pretended to show the place to manufacturers, but he would bring men who would state that they had been refused an examination of the place. When they presented themselves they were told that one house was shut, and that in another the men were not at work, and thus the parties were prevented from seeing anything. Now, if the building had been erected for a national object, and not for the purpose of establishing a local trade, the Government ought to permit all persons to see and examine the Enfield manufactory. Enfield ought to be an encouragement to the trade generally, and not set up as a rival to London and Birmingham.

MR. W. WILLIAMS said, he wished to refer to page 56 of the Estimates, and ask what was meant by the charge of £1,095 for three persons, superintending officers, for the manufacture of small arms in foreign countries. And at page 80 there was a charge of £4,292 as being required for nineteen artificers and labourers. He should like to know what these charges meant?

Sir JOHN RAMSDEN said, that the sum of £1,095 for superintending officers was on account of the old contracts entered into during 1854-55 for rifles. The contracts had not yet run out, and until they were completed these officers must remain abroad to inspect the small arms. The charge of £4,292 was for wages of the men employed under those superintending officers. In further answer to Mr. Williams, Sir John Ramsden said the charge of £5,272 to which he had alluded was on account of the clothing department for the infantry. All the clothing for the army was now sent down to Weedon for inspection—that was the general depot for the clothing, and it was there examined. He then said (in reply to Mr. Spooner) that he could mention a case which he thought would show that the hon. Gentleman had been misinformed. What had occurred was this: a workman was said to have been enticed from Birmingham to Enfield, upon the representation of another workman who was employed at Enfield. The man had been in the employ of a Birmingham manufacturer, and the superintendent at Enfield going soon after to Birmingham, the matter was brought under his notice. He at once said that the circumstance had taken place without his authority, and that the man should be sent back. Subsequently, therefore, the man was discharged from Enfield, and returned to his work at Birmingham. The hon. Member had also accused the Government of desiring to take the whole manufacture of small arms into their own hands. He might state, however, on their behalf, that only a short time ago a company of gunmakers came to them and represented that they were willing to supply rifle muskets of the pattern of 1853, and on the principle of interchangeability of all the parts; but could not undertake to do so unless they had a large contract to enable them to bear the great expense of setting up the necessary machinery. The Government were so anxious to encourage every effort of this nature in the gun trade, that they entered into a contract with the company to be supplied with 30,000 stand — and this for the purpose of setting up in England a private factory which should come into competition with their own establishment at Enfield.

Mr. SPOONER said, that the moment the time of the man to whom the hon. Baronet referred was completed at Birmingham, the authorities at Enfield took him back again, and that there he was now. He did not believe that an honourable private tradesman would have re-engaged a man who had thus deserted his employer.

Viscount PALMERSTON: His hon. Friend (Sir J. Ramsden) had stated that a company had been established to whom a contract had been given for the supply of 30,000 stand of arms. He should be glad to know of the hon. Member for North Warwickshire where he imagined the company was to get its workmen. Was not trade free? Was not labour in this country free? Was it not perfectly competent for any individual or company who entered upon a career of industry with new capital to hold out encouragement to persons skilled in that particular line to come and enter their employ? Never in his life had he heard such a doctrine as that because a certain number of persons in Birmingham happened to have in their employment a certain number of skilled labourers, the workmen were not to be at liberty, if they could find employment more to their taste elsewhere, to transfer their services to the market which promised to be most advantageous when their time had expired.

Mr. SPOONER: Nobody disputed that; but then the Government were doing it with the public money—money which the masters, from whom the Government seduced these workmen, had to contribute to in the shape of taxes. That, he thought, was a complete answer to the noble Lord's remarks.

Viscount PALMERSTON: It was no answer at all. If Parliament said that the Government should manufacture weapons, or ships, or any other things, for the public service, they would surely be defeating their own object to say to the Government, "You are to make these things, but we forbid you to take persons into your establishments to make them for you." [Mr. Spooner: You are bribing them.] Bribing them! Why, the hon. Member might as well say that we were to have no shipwrights in our dockyards, because the shipwrights who came there had left the employment of some private tradesman. The hon. Gentleman talked of the Government as if it were a corporation, acting for its own advantage. It was the organ of the nation, to provide things for the service of the nation; and it was its duty to provide those things in the cheapest and most effectual manner. He contended, therefore, that if there was to be a manufactory of small-arms at Enfield, and a manufactory of cannon at Woolwich, it was essential that workmen should be got to perform the processes by which alone those small-arms and cannon could be provided. Talking of that, he begged to remind the hon. Member that the mortars which were employed in the bombardment of Sweaborg during the late war, and which burst in the operation, were manufactured by the trade; whereas, if they had been manufactured in the Government arsenal, he believed that that would never have been their fate.

Colonel SYKES said, it was necessary that the House should know the antecedents of the present Enfield establishment. The first attempt to manufacture small arms by the Government was in Allen Street, in the City. This factory was transferred to Lewisham; but after some years, it being found that the water power was insufficient, Enfield was added; and ultimately Lewisham was abandoned. Up to this period £500,000 had been lost in the abortive attempt to manufacture small arms. In February, 1854, the House granted £100,000 for Enfield, and the Government promised that by the aid of machinery the new weapon should not cost more than 30*s.* The weapon with which the British army was supplied, up to the close of the last century, cost only 30*s.* each; but at the beginning of this century certain improvements were made, and each weapon cost 48*s.* Now, those weapons, aided by the stout hearts of British soldiers, had gained more battles than adorned the annals of any other nation. Recently the Minié rifle was invented — an instrument of long range. Now, although the British soldier did not prefer a long range, but rather close quarters, it was quite right that he should not be exposed to a great disadvantage. The Minie rifle was therefore introduced and taken to Enfield, and was now called by that name. But at what cost was it made? At the promised cost of 30*s.*? No. Each rifle cost £3 8*s.* 6*d.* Now, if the British and Indian army were to be supplied with that rifle the cost would be about £1,500,000. But since the invention of the Enfield rifle (which was, in fact, the same as that invented by Minié, with a few alterations) a new rifle—namely, Whitworth's—had recommended itself to notice, and even another and yet another novelty might be devised. Of course, therefore, the whole of the outlay incurred on the Enfield rifle would be lost; for he presumed the existing machinery would not be suitable to convert the Enfield rifle into the Whitworth. Consequently there would be a further outlay, and hon. Gentlemen must not be surprised if next year the Army Estimates were considerably swollen on account of small arms. The British soldier was of course entitled to have the best weapon, at whatever cost, and no necessary outlay in that respect should be objected to by hon. Members. He thought that the Government had no right to interfere with the enterprize of individual tradesmen by setting up manufactories of their own at Enfield or elsewhere. As a small establishment to test the manufactures of contractors it might be justifiable, but if it was intended to supply the British and Indian armies with a new rifle, he thought it would be decidedly wrong on the part of the Government to produce the article in their own establishments. Such a policy would have a tendency to crush the competitive industry of the country. When anything went wrong in a Government establishment the officials justified each other and the Government justified the officials, and the public interest suffered; but in case of any negligence or inefficient work in a private establishment the country insisted upon getting its money's worth. He (Colonel Sykes) warned the House that £240,000 had been already granted to Enfield since 1854, and that the Vote annually for small arms would become not "small by degrees and beautifully less," but large by degrees and formidably expensive.

Colonel NORTH regretted the absence of the hon. Member for Sheffield (Mr. Roebuck), to whom he had given notice that he should to-night direct the attention of the House to a speech of his, reflecting upon the officers employed in various departments of the public service. The hon. and learned Member said he knew that the really honest disinterested men in the country refused to have anything to do with Government contracts, because they were obliged to preface their proceedings by bribing the department—that he was not then speaking in a whisper, for what he was saying the gentlemen below him (meaning the members of the press) would tell to all England, and he was as sure as he was of his own existence that there was bribery and corruption from top to bottom of every permanent department in the country. [Mr. Hayter: That was in a hustings' speech.] The hustings was not a fit place to cast a slur on the public departments. He (Colonel North) was at that moment serving on the Committee of Contracts; and as a Member of that Committee, had read with the greatest care the two Reports which had been laid upon the table of this House, and certainly, from beginning to end of these Reports, there did not appear to be the slightest cause for the speech of the hon. and learned Member. Throughout the whole of the evidence he found but one single case, and that was the case of a viewer in the Tower of London, who had asked for some money. His conduct was instantly reported to the inspector, and the man was most properly dismissed. For his part, he believed that there was no country in the world more faithfully, honestly, or honourably served by the public departments, and the persons employed in them, than our own. From his personal knowledge, he could only speak so far as the War Department was concerned. The work done by the gentlemen in the War Department was incredible, some of them sat up half the night to perform their duty, and did it without any grumbling. He needed only mention in the War Department his old friend Mr. Crooms, who had retired after a service of half a century; and Messrs. Kerby, Marshall, Richards, and Roberts; while in the Commander in Chief's department, he might name Mr. Keddle and Mr. Brake; and in the Adjutant General's department the gentlemen would be found equally meritorious and hardworking. He thought it hard, therefore, that when the service of the country was performed so admirably, these departments should be attacked on the hustings or elsewhere, and he regretted the absence of the hon. and learned Member for Sheffield, who, he felt sure, would give some explanation as regarded a number of gentlemen who felt deeply aggrieved by his remarks. He (Colonel North) had been enabled to clear the character of General Ashburnham on a former night; but what he deprecated was, that such statements as had been made, and which remained uncontradicted, in consequence of that gallant officer having sailed, were calculated to prejudice him with at least one-half of his army.

Mr. NEWDEGATE was far from saying that the country was not honourably served by those connected with the Government departments. The Government, however, had set up a factory at Enfield at the public expense to compete with the arms trade. Was it fair, then, that the officials employed at this establishment should be made judges of the arms supplied by private competitors? It must be obvious to every one, that while, on the one hand, these officers were urged by the Government, who were then employers, to make the Enfield factory excel the arms trade in production, both as to the quality and cheapness of the arms produced, they had no adequate inducement to do justice to the trade on the other; while over the trade they had almost absolute control. Even if they did not yield to this bias, their position exposed them to the imputation of unfairness which rendered their position unbecoming. The two offices were incompatible, and he hoped the noble Lord intended to give the trade fair play, but, if so, the superintendents of the arms supplied ought not to be connected with the Enfield manufactory.

Viscount PALMERSTON said, the hon. Gentleman and his Colleague always assumed that the persons employed at Enfield had some personal interest in this question. He talked of competitive establishments as if he were talking of two rival companies making a profit by the superior quantity and quality of the goods they made. Now, it was no such thing. The Enfield manufactory was established for the purpose of supplying the public with weapons of the best possible description, and the private manufacturers were employed for the same purpose. It was necessary that somebody should be appointed to see that the muskets furnished by the trade were according to pattern and of the proper quality, and the question was who should be so employed. Why, naturally those who were most conversant with the manufacture, who knew how the different arms were made, and whether they were properly made. Surely, then, the persons connected with Enfield were the best fitted for this office. They obtained no profit from the quantity of muskets turned out at Enfield; and nothing could be further from the fact than to represent the Enfield manufactory in the light of a rival and a competitive establishment.

Mr. NEWDEGATE observed, that it had been repeatedly stated before the Small Arms' Committee that the establishment at Enfield was to compete with the trade, and that it had so competed was a fact which could not be denied. Surely, independent persons might be found perfectly competent to judge between the merits of the arms produced at Enfield and elsewhere. When the noble Lord asserted that none were so competent to judge as the officers employed at this factory, he (Mr. Newdegate) met him with the fact that the pattern of the so-called Enfield rifle was not made in Enfield more than was the Whitworth pattern rifle. As long as Enfield was used for its present purpose, it must be considered a competitive establishment.

Mr. CROSSLEY believed this factory had cost some hundreds of thousands of pounds, yet it had not produced a single arm up to the 1st of March in the present year. He strongly objected to the managers at Enfield being the judges of the arms supplied by the trade, because those gentlemen must be interested in giving patronage to the factory with which they were connected, and would be likely to overlook defects in their own manufactures, which they would condemn in those of their rivals. He thought the country would be a great loser by going out of its way to commence a manufactory.

Mr. DISRAELI said, he had been rather alarmed by the noble Lord's statement that this was not a competitive establishment, for unless it was a competitive establishment he did not see why it should exist or what result was expected to accrue from it. No doubt, the noble Lord was correct in his statements, because of course, in his position, he must have the most ample means of information; but, irrespective of this, it appeared to him that there was ample evidence to show that Enfield was really not a competitive establishment. It had been stated, and the statement had not been denied, that as yet this manufactory had not produced a single rifle. He believed that Votes had been taken on account of it for nearly three years, and yet the public service had not been assisted in the slightest degree. It was, however, a very remarkable circumstance, according to his hon. Friend, that, although Enfield had not produced any arms, it had subtracted some of the most skilful artificers from Birmingham. The noble Lord had, he thought, rather misrepresented his hon. Friend when he said it was impossible to prevent the best models from being furnished from this country to foreign manufacturers, and that nothing could be more barbarous than to suppose that we could hinder improvements introduced here from being adopted abroad. Now what his hon. Friend complained of was, not that the best models were furnished from England to foreign countries, but that by the influence of our Government the best artificers were enlisted for service abroad, though without apparently accomplishing the object which the Government had in view. With regard to the present Vote he was not at all prepared to contend that on the version given of it, by the Under Secretary for War, it might not be worthy of support. Under the circumstances of the case he thought on this occasion the Committee were bound to put a most liberal interpretation upon the intentions of the Government when they considered the postion they were placed in at the period in question, but, even so, he conceived that the Government had committed a very great error in this matter. There could be no doubt that to make an advance to a manufacturer whom you employed, whether he were an American or an Englishman, was one of the greatest errors which in the transaction of business could by possibility be perpetrated. There was, indeed, only one greater error which could be committed, and into that also the Government had fallen—it was to make a second advance. That appeared to him to be an extremely indiscreet course. When they found that the first advance had led to so very unsatisfactory a consequence, it was a great mistake to make a second, and he was not at all surprised that the enterprise had resulted as it had. Still, the Government had been called upon to act in a moment of very great exigency; and whether they had acted prudently or imprudently it was one of those occasions on which their intentions ought to be regarded in the most favourable light; but the principle of advancing money to manufacturers was one which no Committee of Supply ought to sanction. His hon. Friend the Member for North Warwickshire had referred to a subject which deserved the grave consideration of Parliament; and although the Committee would not be called upon to express its opinion upon it by division, yet it was a most important question to consider whether the Government, with the capital of the country, should enter into competition with private manufacturers. The question was so grave that it must ultimately, and perhaps speedily, be brought to some conclusion in that House. He knew the arguments which were generally offered on this subject. They all resolved themselves into reasons of State. They could not be defended on economical or mercantile principles, and they resolved themselves therefore into political considerations. But if political considerations were to be the test, the public would demand that the result of the operations should at least be in unison with the State necessity which was alleged. If the public found that the competition which was carried on was contrary to all the principles which regulated commerce in this country, and that the consequence was so extremely unsatisfactory that the Government, employing and wasting the public capital, could not compete successfully with the private trader, it would be impossible for any length of time to maintain the present system; and the Government might rely upon it that when Parliament came, which it would inevitably have to do before long, to consider the financial position of the country, it would be necessary to arrive at some definite conclusion upon this matter. Although the subject of the Enfield establishment had been treated in a very light manner, the fact was that the whole of the important question to which he had referred was involved in it. In his opinion, it was impossible to answer the arguments which had been advanced by his hon. Friend the Member for North Warwickshire. Was that establishment at Enfield a competitive establishment, or was it not? If it were, it was working against the private trader with public capital which was created by the public taxes of the country. If it were not a competitive establishment, it was a mere normal school of gun-making. They had then to inquire what was the expense of such an establishment, and whether the results were at all commensurate with the expenditure. These were questions which it would be impossible for Parliament to evade; the expense was so vast that before long a definite conclusion must be come to on the subject; but he (Mr. Disraeli) should not for the present offer any opposition to the Vote before the Committee.

VISCOUNT PALMERSTON said, that the discussion appeared to turn very much upon the precise meaning which was attached to the word "competitive." If the Government were to set up a manufactory of things to be sold afterwards for the profit of the Government, he should say that in the strict sense of the word that would be a "competitive" establishment, and a very impolitic thing it would be. But when the question was how things required for the public service were best to be supplied, his opinion was, that, as a rule, the more Government could have those things made by officers acting under their immediate superintendence and control, the better the public service was likely to be consulted. It happened, however, that no Government establishment could be on such a scale as to supply all the wants of the service, and there would, no doubt, occur times when more would be required than any Government establishment could produce. For example, his right hon. Friend the First Lord of the Admiralty had a "competitive establishment," as the hon. Gentleman opposite would call it, for building ships; but when many gun-boats were required beyond what the Government Dockyards could supply he went to the trade. Formerly, when many more line-of-battle ships were wanted than the Government yards could furnish, forty were ordered from private builders; they were built—very bad they were, and they were called the "Forty Thieves." So it would be in every department if reliance were placed entirely on private traders; there would be no security that the supply would be so good as it ought to be. The advantage of having public establishments was, that we were sure of getting the things we wanted—that they would be good in quality, and as cheap as possible compatibly with the quality. In illustration of this subject, let them glance for a moment at the different things required for the army. The hon. Gentleman might complain that his noble Friend (Lord Panmure) had established a public manufactory of clothing in competition with the army tailors, and ask, "Why shouldn't he go to the trade—why should the clothes be made at Weedon?" The answer was, "Because they were better made there than by the trade—because the soldier had by this means better cloth, and was better clad than he had been before." On the same principle, why not go to the trade for cartridges? Because we had them better made under Government superintendence at Woolwich than we could get them from any private establishment. It was a mistake to suppose that public works of this description were conducted on so expensive a plan as to make the articles produced more expensive than they could be purchased for from the private trader. Take, for example, Lancaster shells. He had seen at Woolwich the manufacture of those shells, and he found that they were not only better than those supplied by the trade, but that they were manufactured at about one-third of the price. So it would be in all things. There ought to be the means of providing what was required for the public service under ordinary circumstances by Government establishments; they would give a standard of quality, and would supply a certain amount; but if a larger supply were required, recourse would then be had to private traders. When they were asking whether Enfield was a competitive establishment or not, his answer was that in one sense it was so—it supplied a certain proportion of the small arms required for the public service, but it was not expected that it would supply the whole amount of arms which would from time to time be needed. Under these circumstances he said that it was a wise thing for the Government to have establishments to supply, as nearly as possible, all those things which might be necessary for the public service.

Mr. DRUMMOND said, that the right hon. Gentleman opposite had stated that the establishment at Enfield was opposed to all commercial and economical principles; but there was one thing which was even more important than commercial and economical principles, and that was that the country should be supplied with the best articles. There had been a great deal of advice offered to young Members in the course of the evening. He should not presume to lecture them, but if he might gently offer a hint, it would be to read the blue-books on all those subjects on which Committees had already sat. If they did so, they would find that "trusting to the trade"—to any trade—for anything to be good and honest would be a perfect delusion. They had a specimen of this in the "Forty Thieves," and in the case of every manufacture it was necessary for the Government to have a standard of their own. The freetraders might take an opposite view of the matter, but he would only say to them, "*de te fabula narratur.*"

Mr. J. C. EWART said, that as a freetrader he could not sit still and leave such remarks unanswered. He had no hesitation in saying that if the whole manufacture of these rifles and the building of heavy ships were thrown open to competition the work would be a great deal better done than now. With regard to the clothing which the noble Lord had alluded to, the Government might depend on it that they would get better clothing from the trade for the same cost.

Vote *agreed to.*

(2.) £221,868, Wages of Artificers, &c.

Sir WILLIAM CODRINGTON called the attention of the Government to the great distress prevailing among the workmen at Woolwich, upwards of 5,000 of whom had been recently discharged from one Government establishment, they and the neighbourhood being deprived of the benefit of wages to the extent of about £340,000 a year. These unfortunate men were driven on the parish for support, and a great deal of distress had been occasioned, not only to their families, but to other families in the town. The Government had said they could give no assistance, but he thought it was the duty of the Government to consider the case in a favourable view. He did not mean to say that the Government could possibly devote a special sum for the purpose of emigration, but it was the duty of the Government, if they had the means—and they might find many—to assist these artisans in some way. He did not believe that it would ever be found that a private establishment dismissed a large number of men without endeavouring to place them in a position to gain their livelihood, if not permanently, at least temporarily. If the Government could not afford to assist these men in emigrating, at least they might do what was done in the army and navy—they might place them where they could get work, or at all events remove them to the parishes where they were chargeable.

Sir WILLIAM WILLIAMS entirely concurred in the observations which had fallen from the hon. and gallant General. As Commandant of the garrison he had witnessed recently the wide-spread distress occasioned by the discharge of these men. The inhabitants had done all in their power to alleviate their wants, but the utmost of their endeavours fell short of the object in view. He trusted the Government would take the case into consideration as a very special one. They ought also to consider the peculiar position of Woolwich, being not only a Dockyard, but a military Arsenal, which when taken collectively was as great as all the military arsenals of France put together. The consequence was, that after the termination of a great war like the war against Russia, thousands of workmen were turned out of work weekly and thrown upon a town of very contracted population, and therefore the less able to bear the burden.

SIR FREDERICK SMITH represented the condition of the labourers at Woolwich, Portsmouth, Chatham, and Devonport, who only received 12*s.* a week, and yet, in consequence of the dearness of rents in those localities were obliged, many of them, to lodge at a distance of two miles. That compelled them to accomplish a journey of eight miles a day, and thereby unfitted them to do their work properly. Even after they left at night they sought employment in private establishments in order to add to their income, and that unfitted them still more for the labour of the morrow. He was satisfied the Government would do the work cheaper and better if they rewarded these labourers on a more liberal scale.

SIR JAMES ELPHINSTONE thought it not right to give these men such low wages as 12*s.* a week, when agricultural labourers were receiving 18*s.* a week. [*Cries of* "Where?"] In the north of Scotland—and he had himself not paid less than 15*s.* a week during the last two years. At the present advanced rate of provisions it was perfectly impossible that these men could maintain themselves and families on 12*s.* a week. He also complained that the Dockyard establishments were exempted from poor rates.

MR. BRISCOE had no connection with Woolwich, but he knew that the distress there was extreme, and he could not help joining in the appeal to the Government that some means might be provided for alleviating that distress. If they did so, he was sure it would be gratifying both to the Committee and the public.

MR. TOWNSEND bore his testimony as to the distress existing at Woolwich, and trusted that the Government would be able to assist the distressed people to emigrate. The Government establishments at Deptford and Woolwich contributed nothing to the relief of the poor of the parish, while the existing state of things caused a great pressure on the ratepayers. He could assure the Committee that great misery and distress prevailed among the class of workmen who had been referred to, and he hoped the Government would devise some means for their relief.

THE CHANCELLOR OF THE EXCHEQUER said, the case of the workmen discharged from the public establishments at Woolwich had received the serious consideration of Her Majesty's Government, and they were most desirous, if they could justly do so, of appropriating a sum of money to the alleviation of the distress which had been described. But there were great difficulties in the way of such a measure. It must be remembered, however, that this was not the first occasion on which workmen had been discharged in large numbers from public establishments, and it would not be the last; and if the Government once laid down the principle that whenever workmen were discharged under such circumstances they should receive temporary relief in the shape of gratuities, or should be furnished with the means of emigrating to the Colonies, there might be a draught upon the public Treasury which in many cases it would be extremely difficult to satisfy. On the one hand, then, they had to consider the danger of establishing a precedent, and on the other the great hardships endured by the workmen who had been discharged. During the war many persons who were not skilled artificers, but common labourers, had been employed to attend to the machinery at Woolwich, and, instead of receiving the ordinary wages of labourers, they had obtained for the discharge of duties which very short instruction enabled them to perform, wages as high as a guinea a week. At the termination of the war the services of many of these persons were no longer required, and it became necessary to discharge them. They might, he believed, in almost every instance have returned to their previous occupations and have obtained as high wages as they received before they were employed by the Government; but not unnaturally, perhaps, they were unwilling to accept such wages, and they refused to engage in any work unless they received as high a rate of wages as they had obtained in the service of the Government. Under these circumstances some difficulty was felt in interfering with what might be considered the natural distribution of labour, for undoubtedly nearly all the persons who had been discharged might have obtained employment if they had been willing to accept it. The Committee had been told that if the means of emigration were offered to the men many of them would probably avail themselves of such an offer, but it was not thought desirable to adopt that course. A communication was made on the subject to the Poor Law Board, and they were requested to report on the subject. The Report which they had presented to Government did not, however, represent the distress as either so general or so intense as to-night it had been stated to be. He admitted that the case was one of great difficulty, but it was one in which the inclinations of the Government were not in accordance with their sense of public duty.

Sir WILLIAM CODRINGTON said, that many of the discharged men had travelled about the country rather than become a burden to the parish, but their wives and children had experienced extreme distress.

Mr. BRISCOE hoped the Chancellor of the Exchequer would make the case of these men an exception to the general principle laid down by him, in the justice of which he fully concurred.

Vote *agreed to.*

(3.) 278,570, Clothing and Necessaries.

Sir JOHN TRELAWNY wished to know whether it was intended to alter the equipment of the Life Guards or Horse Guards. Minié rifles and conical balls had rendered the cuirass useless.

Sir JOHN RAMSDEN said, he was not aware that there was any intention to deprive the Horse Guards of their cuirasses, which, though they might not be impervious to a Minié bullet, would still be of great service in a close encounter.

Mr. W. WILLIAMS complained that the comparative cost of clothing for the Horse Guards was double that of the ordinary cavalry, and that the clothing of the Foot Guards was also much more expensive than that of the infantry of the line. The present Duke of Somerset, when he occupied a seat in that House as Lord Seymour, pointed out the utter uselessness of maintaining three regiments of Horse Guards, numbering some 1,300 men, and said the duties they were called upon to perform could be discharged with equal efficiency by 400 men. The maintenance of this force was formerly defended on the ground that in the case of disturbance it constituted a sort of police for the metropolis; but, now that an efficient police force was established, he saw no necessity for continuing, on such a scale, this expensive branch of the army.

Mr. RICH suggested that in future Estimates the number of rank and file in each regiment should be stated in a column opposite to the cost of the clothing. By so doing the matter would be better understood.

Sir JOHN TRELAWNY said, he wished to direct the attention of the Committee to the item relating to the Foot Guards. The total number of these troops were 6,310 men. He entertained no prejudice against them; on the contrary, if he had any prejudice it would be decidedly in their favour, and he would be the last to complain of the privileges they enjoyed if he thought those privileges were consistent with the interests of the public. He had to complain, however, that a captain in the Guards had the same rank as a lieutenant-colonel in the Line. That was a constant subject of dissatisfaction among officers of the line, and especially during the late war, when the effect of the arrangement was that lieutenants and ensigns were subjected to an extra amount of duty in the trenches. What was the case of the French army? He was informed that the French army went into the trenches with a division complete in all its parts—that General Canrobert himself went into the trenches—but that when Sir Colin Campbell on several occasions did similar service, an order came out that generals of division were not to go into the trenches. Again, he was informed that the detachment work was all done by the line and not by the Guards, and that this privilege of the Guards gave rise to great dissatisfaction in the line when the army was in Bulgaria. He thought also there must have been some influence at work which produced the result that, at one time, in August 1855, there was a commander in chief, a Guardsman; the chief of the Staff, a Guardsman; three generals of division, Guardsmen; and three generals of brigade, Guardsmen. He likewise complained that the Guards did not take their regular turn of duty in the Colonies, and were consequently not exposed to changes of climate as were regiments of the line. He had again to complain that officers in the Guards had another privilege which did not belong to those of the line, in that they were competent to hold certain staff appointments leading in three years to the rank of lieutenant colonel; that upon one occasion a young officer in the Guards, having from his rank had a right to command 2,000 men in presence of General Todtleben, it had been found necessary to "break the roster," as it was called, or in other words to place an inferior officer at the head of the force; that in seven battalions of Guards there were eighty officers holding the rank of colonel, while in 112 battalions of the line there were only 190 officers of the same rank. They had also another privilege which he might mention, though the House would probably think it a trivial matter. The Guards marched right in front (*a laugh*). Hon. Members might laugh, but their marching right in front meant this, that the regiments which followed in the rear had to pick up all the stragglers and do all the dirty work. He denied that there was any thing in the argument that the Guards were entitled to these privileges because they paid more for their commissions than officers in the line, seeing that the addition was compensated by extra allowances. He hoped the hon. Baronet, the Under Secretary for War, would be able to afford some satisfactory explanation of the grounds of the invidious privileges to which he (Sir J. Trelawny) had ventured to call his attention and that of the Committee.

Sir JOHN RAMSDEN said, he would remind the hon. Baronet that the Vote which the Committee was now discussing had reference to the clothing of the army, and even admitting, for the sake of argument, that the whole system of promotion in the army was utterly bad and indefensible, still he (Sir John Ramsden) did not see what logical connection there was between that subject and the particular Vote under consideration, or that that should be any reason why the officers and men in the army should go stark naked for a year. It would be much more convenient if the hon. Baronet would raise this whole question on a separate and substantive Motion so that the House might argue the point, and come to some conclusion upon it, instead of bringing it under discussion in this incidental and irregular way.

Sir JOHN TRELAWNY said, he knew this was an unpalatable subject, but he was not going to be put off in that way. He certainly did not mean to propose that the army should go naked; but what, he would ask, could be more natural than that they should discuss the privileges of the Guards on a vote for the clothing of the army? He must now refer to a question which he brought under the notice of the Committee on Monday night—he alluded to the great hardship done to sergeants in the army at the present time under an order issued in the middle of January last.

The CHAIRMAN said, he must remind the hon. Baronet that he was now infringing a rule of the House by referring to a matter which took place in a former debate, and was also diverging from the subject immediately under the consideration of the Committee.

Sir JOHN TRELAWNY said, he would ask the hon. Baronet whether he had reconsidered the answer he had given the other evening to a question he (Sir J. Trelawny) had put to him with respect to the pay of the sergeants? [*Cries of* "Order!"] He would put three cases—

General PEEL rose to order. The question of the pay of the sergeants could not properly be introduced in connection with a Vote for the clothing of the army.

The CHAIRMAN said, he had already stated that the hon. Baronet could not then raise a discussion with reference to the pay of the sergeants. The observations of the hon. Baronet with respect to the Guards had been quite irregular, although he had abstained from calling him to order. But he hoped that the hon. Baronet would then confine himself to the question before the Committee.

Sir WILLIAM CODRINGTON said, the hon. Baronet could bring that subject forward upon a substantive Motion, and many hon. Members would then be inclined to enter into it. This was not, however, the proper time for so doing.

Sir JOHN TRELAWNY, in expressing his submission to the general wish of the House, said he thought the reply of the Under Secretary for War the other evening might have been more courteous.

Mr. HENLEY said, he had to ask what was the number of the infantry who were to be clothed, and whether the cost of the tailoring was included in the Vote of £174,000, and also where the clothing was made up?

Sir JOHN RAMSDEN said, the clothes and materials were sent to Weedon for inspection, where they were delivered out to be made up, and were again inspected when returned into store. It was the development of the new system which caused an increase of charge for the establishment expenses. The item of £174,000 was for the clothing of the whole of the infantry of the line. It applied to 69,722 rank and file and 7,630 sergeants, and was taken at the rate of £2 3*s*. 6*d*. per man, being 2*s*. per man extra, because there were a great many shakoes new this year.

Mr. ELLICE (Coventry) said, he thought it would be convenient that the number of men in each force should be put in a column with the cost of clothing per man, so that they could compare the charge in any one year with that of the year preceding.

Colonel BOLDERO said, it would appear, from the evidence that had been laid before the Select Committee which was inquiring into that subject, that the clothing of the army under the present system was very much superior to the clothing under the old system; but they had no means of determining whether it was also more economical.

Colonel NORTH said, it certainly appeared that the clothing had become improved under the new system; but as that system had only come into operation on the 1st of April last, no very positive conclusion could as yet be drawn with respect to its precise value.

Mr. SIDNEY HERBERT said, that when the system was changed by the Administration to which he had the honour of belonging, it was never contemplated that it would be productive of any saving of the public money. He was convinced that a more unfounded accusation had never been directed against any men than the charge put forward against the Colonels of regiments, that they had made a profit out of the duty entrusted to them of seeing that the men were properly clothed. It was thought desirable, however, that any odium which the Colonels had incurred in that case should be removed by relieving them of that business, and a hope was at the same time entertained, that by the adoption of a system of centralization a better material might be procured for the same outlay, but even that was very doubtful. If any saving could also be effected, that could only be regarded as an additional and an unexpected advantage to be gained by the measure.

Mr. W. WILLIAMS said, he thought it would be better in making up the Estimates to follow, in that instance, the former practice, which showed the cost of clothing each regiment.

Mr. KER said, he believed that a portion of the contract for supplying the army with clothing might with great advantage be given to Irish manufacturers. The cloth manufactured in Ireland was better and cheaper than the cloth provided in this country.

Vote *agreed to.*

(4.) £636,900, Provisions, Forage, &c.

Mr. Ellice

Mr. RIDLEY asked, whether any additional expense was contemplated for billeting soldiers, or for recompensing the persons who received them on march? He did not think it would ever be possible to do away entirely with billeting in the case of a regiment on march, nor did he suppose that innkeepers wished to have it abolished; but what they did expect and what they had a right to claim was, that they should be paid the amount of their actual disbursements. He hoped that next Session, if not before, the Government would be prepared to submit some proposal on the subject.

Sir JOHN RAMSDEN said, it was not in the contemplation of the Government to make any change in the present allowances for billeting. The subject was under consideration two years ago, and then an alteration was made. Billeting was a privilege which it was impossible for the Government to give up, but it was one which they used with the greatest care for the convenience of those who were subject to it.

Sir JOHN TRELAWNY inquired whether accommodation had been provided for the wives of sergeants in barracks? He was told that sergeants and their wives slept behind a curtain in the same room with private soldiers.

Sir JOHN RAMSDEN replied, that the recommendations of the Committee which sat on that subject were being carried out in all the new barracks now in course of construction.

Colonel SOMERSET complained that the allowance granted to infantry officers for the keep of their horses — 2*s.* *per diem*—was barely sufficient to provide the necessary supply of corn and hay, exclusive of other charges. He thought that commanding officers should receive an allowance for the keep of two horses each; one was insufficient, as field days happened more frequently now.

Captain VIVIAN remarked, that cavalry officers were in a worse plight than their brethren of the infantry, inasmuch as they had no allowance at all for the keep of their horses.

Sir JOHN RAMSDEN stated, that the allowance of 2*s.* a day was fixed by the Government after great consideration. They were of opinion that it was sufficient to keep a horse, and in corroboration of that he might state that the contract price was only 1*s.* 6*d.* The case of cavalry officers was under consideration, but the Government did not at present feel justified in recommending any change.

CAPTAIN VIVIAN was glad to hear that the subject was under consideration.

SIR WILLIAM CODRINGTON hoped that the commanding officers of regiments would be granted an allowance for the keep of two horses. They might occasionally have to discharge the duty of brigadiers, and it was therefore important that they should have a second horse to fall back upon.

COLONEL SOMERSET, with reference to the statement of the Under Secretary, that the contract price was 1*s.* 6*d.* a day, stated that he paid 12*s.* 6*d.* every week for his horse at Aldershot. He wished to know whether the claim of commanding officers for the keep of two horses would be taken into consideration?

SIR JOHN RAMSDEN replied that it would.

Vote *agreed to.*

(5.) £400,191, Warlike Stores for Land and Sea Service.

MR. AYRTON drew attention to the circumstance that in these Estimates the same article appeared not in one, but in several places, and suggested that in future the several sums expended upon any one object should be brought together. At present the Estimates were unintelligible. He wished to find out the expense of the Enfield factory, but as the Vote was divided into six or seven heads, scattered over as many separate places, he could not do so.

MR. RICH thought, that whenever a subject was mentioned twice, the fact should be stated in a foot note.

SIR JOHN RAMSDEN said, the sole object of the Government in framing the Estimates in their present shape had been to render them intelligible to the House. The principle that had been adopted was, to divide the expenditure under general heads, such as buildings, stores, &c., and it naturally followed that the same establishments appeared under several different heads. A paper had just been laid upon the table, and would immediately be printed, giving, under one head, the total expenditure upon the factory at Enfield up to the 31st of March last.

COLONEL SYKES observed, that the constant repetition of one establishment under various heads occurred in other instances.

COLONEL BOLDERO remarked upon the difference between the Vote of £3,000 this year and that of £572,482 last year, for the supply of iron ordnance, shot, shells, &c., and especially wished to know something about two enormous mortars which had been constructed to throw shells thirty-six inches in diameter, and 470 lb. weight, and which he saw lying in Woolwich Arsenal when he went down the river the other day. He wanted to know whether they were the property of the Government or of the firm which manufactured them, and what was the price to be paid? He was told they cost £12,000 a piece. Those guns had never been tested, and nothing was known of their merits. For what service were they intended? For sea or land?

VISCOUNT PALMERSTON said, he thought he was the best person to answer the question, as he had given the order for those guns. At the commencement of the last war two very ingenious and scientific men came to him with plans for mortars of a peculiar construction. Those guns were very much larger than any ever before employed, and were to be made in segments to facilitate conveyance, which their enormous weight, as a whole, would have rendered most difficult, if not impossible. He sanctioned the construction of two guns, one of which was intended for service in the Baltic, and the other in the Black Sea. In consequence of the failure of the firm to whom the work was intrusted, the guns were not completed until the war was over. He had no doubt those guns would answer, but at present they had not been tried. He had full confidence in the skill and ingenuity of the engineers who had proposed them, and undoubtedly if they did succeed, they would be very formidable weapons.

COLONEL BOLDERO did not doubt the skill of the manufacturers, but he wished to know what was their cost, and to whom they belonged.

VISCOUNT PALMERSTON replied that the guns were the property of the public, but he was not able to state the cost.

COLONEL BOLDERO hoped notice would be given of the proof of those guns, as he should wish to be present.

VISCOUNT PALMERSTON said, notice should be given to the hon. and gallant Member.

SIR HENRY WILLOUGHBY asked whether Lord Panmure had the power of altering the proportions voted under each head, or were the items separately dealt with?

VISCOUNT PALMERSTON replied, that the nature of the Estimates was, that the Government stated prospectively the sums that would be required under each head of service, but of course they could not be bound by their anticipations. One head might not require so much as was voted, while another might require a larger sum.

SIR HENRY WILLOUGHBY thought the question was very important. The Committee were called upon to vote an aggregate sum of more than half a million under one head, divided among various items, but their discussions were entirely thrown away if the Secretary of State had power to appropriate the money as he chose. During the war no less than £9,800,000 was voted under one head, and if Lord Panmure had power to dispose of that sum as he pleased, without reference to the proportions in which it had been disposed in the Estimates, the deliberations of the Committee were a perfect farce. He thought it should be understood as a principle, that where a sum had been voted for a particular purpose and was not expended in that manner, the balance should be paid into the Exchequer as balance unexpended. He observed, also, that £700,000 was voted last year for gunpowder, and £82,000 was now asked. He wanted to know the stock in hand, as he thought, after the large vote of last year, there must be a considerable quantity in hand.

COLONEL BOLDERO thought the hon. Baronet did not quite understand the facts of the case as regarded gunpowder. The siege of Sebastopol had required so enormous a quantity of powder that the stock in the magazines, large as it was, became exhausted, and the Government had to send to the colonies for powder, and to employ merchants to purchase gunpowder and saltpetre wherever it could be obtained. The army was in the same state as our fleet at Algiers, which would have been destroyed had the battle lasted another hour, their supply of powder being exhausted. He thought the Government were justified in replenishing our magazines to meet any event that might happen.

Vote *agreed to.*

(6.) £163,133, Fortifications at Home and Abroad.

SIR CHARLES NAPIER wished for some explanation of an item of £300,000 under the head of "Portland."

SIR JOHN RAMSDEN explained that it was for the defence of the commercial harbours of the United Kingdom.

SIR CHARLES NAPIER thought that £300,000 was a large Estimate, unless the particular harbours were specified. Commercial harbour was a very general word, and certainly £300,000 would go but a little way in fortifying all the commercial harbours of the country. He thought it would be bad policy to attempt to fortify all the harbours by placing a gun here and a gun there. It would be better to use some of our numerous gunboats for the purpose. He wished for further explanation.

MR. DILLWYN asked if any part of the sum was to be expended in defences for the Bristol Channel, which was at present entirely defenceless.

SIR JOHN RAMSDEN said, the Estimate was one for the defence of ninety-one commercial harbours all over Great Britain and Ireland, by the erection of small batteries to keep off privateers. He could not state whether any part of the sum of £13,500, which was all that was proposed to be expended in the present year, was to be applied to fortifications for the Bristol Channel.

SIR CHARLES NAPIER thought that £300,000 was a large sum. Woolwich, where all our naval and artillery stores were, was simply defended by a garden wall; it was nothing better. He questioned whether it would not be much better to expend £300,000 in the defence of Woolwich. If any attempt was made upon the country, the first place attacked in force would probably be Woolwich.

SIR FREDERICK SMITH maintained that Portsmouth was not so vulnerable as many hon. Members seemed to suppose. The subject was closely considered by the Duke of Wellington, the Marquess of Anglesea, and Sir John Burgoyne, and the Duke of Wellington recommended that a line of defence exterior to Gosport should be established. A sum for carrying out part of this plan would be taken in the present Estimates. Intermediate works were also to be constructed, and when the line was completed, an enemy would have no chance of attacking Portsmouth on the sea face. Works were also planned which would make the defences equally strong on the land side.

SIR CHARLES NAPIER observed, that he had not said one word about Portsmouth; but as the subject had been mentioned, he would make one observation. A great deal more money had been spent at Portsmouth than was at all necessary. He did not refer to the field works at Elson and Portsea, but to the great sums that had been spent in the town of Portsmouth. If a well-chosen hulk were properly sunk in the middle of the channel of Portsmouth harbour, all the purposes would be answered at a much less expense. He wished for some explanation of the intentions of the Government as to the fortification of Woolwich.

VISCOUNT PALMERSTON said, that the subject of the fortification of Woolwich had occupied much of the attention of the Government. It was undoubtedly a very important consideration, but, as the hon. and gallant Admiral knew very well, the peculiar formation of the ground about Woolwich rendered it exceedingly difficult to defend that place by works to be thrown out on the land side. Any attack on the land side, he was afraid, must be resisted by troops; and as to an attack from the Thames, that could be easily provided against by stationing gunboats and floating batteries in the river.

COLONEL BOLDERO thought the expenses for civil buildings ought to be separated from the Army Estimates.

MR. BUTT asked for some explanation of the plan which the Government meant to adopt in the fortification of the commercial harbours.

MR. RICH thought we should depend more on our army and navy than on any internal fortifications. He had no wish to see our commercial towns, like those of the Continent, surrounded with batteries. The best safeguard of the country was in the valour of the inhabitants.

SIR CHARLES NAPIER said, that no one could, for a moment, doubt the very great reliance which was to be placed upon the valour of our gallant army, but as that army was at the present moment very small, it would be useless to expect it to do impossibilities. In his opinion Woolwich could, by means of throwing up a few redoubts, be put in such a situation as would enable a few men to defend it, and he trusted the Government would adopt the suggestion of throwing up some works there.

VISCOUNT PALMERSTON said, Her Majesty's Government have had a great many representations made from several large commercial towns on the sea coast as to their totally unprotected state, in case an attack should be made by one or two cruisers running in upon them. The Estimate now before the Committee contains what would be the expense of defending by small batteries all towns so situated, but it is the intention of the Government to begin and carry on the erection of these works very gradually—only erecting small works in those towns that were most important. His notion was, that if we were unfortunately engaged in wars, small and very trifling works would be sufficient in these different towns—that volunteer artillery corps would be found to man the batteries for the defence of their own property, and that all the Government would have to do would be to construct the defences on scientific principles, and supply the volunteers with ordnance to defend the works.

SIR JOHN TRELAWNY opposed the Vote as one that would lead to a great expenditure.

MR. BUTT regretted that a larger sum had not been proposed.

MR. AYRTON thought it would be satisfactory if the Government would state for what particular towns the expense of these works was to be undertaken.

VISCOUNT PALMERSTON could not state to what particular towns this expenditure of £13,500 would be applied. He would observe, however, that if the proposal was to begin a single great fortification that would cost £300,000, it might be urged, that if once begun and then stopped, the money expended would be entirely thrown away; but as the proposal was to fortify a great number of towns, each of which would cost but a small sum, should they not think it necessary to go on next year or the year afterwards voting these small sums, the money actually expended would not be thrown away. He was not prepared to say what towns would be first fortified, but Liverpool, Hull, Sunderland, and many similar places, had been represented to the Government as standing much in need of defence.

COLONEL NORTH expressed his regret at the reductions which had been made in the artillery.

SIR WILLIAM WILLIAMS said, it was most desirable that the fortifications under consideration should be proceeded with, if on no other account but for the reason that, during the late war, the French Government had adopted similar measures with regard to all the seaports facing the coast of England; and from this cause Nelson had been unable to stop the coasting trade. With regard to the subject of artillery, he was anxious to state a few facts to the Committee which would, he trusted, produce a salutary effect on the minds of the people. To take, for instance, a few of our foreign ports. The gallant General then went into a detail of the number of guns in each of our foreign military stations, and of the number of artillerymen to work them, showing that the latter was quite inadequate for the service they had to perform. In Gibraltar, for instance, there were 669 guns mounted, and only 800 artillerymen to ply them.

Sir HENRY VERNEY: The opinion was very prevalent abroad that our colonial defences were next to useless, and he did not think the sums proposed to be voted would be sufficient for putting those defences into proper condition. Who could believe that £5,000, for instance, was a sum sufficient to put Corfu in a state of defence? He was sure that no army performed more arduous services than did the British army when employed on foreign stations.

Sir FREDERICK SMITH remarked, that it should not be supposed that a fortress mounting 500 guns wanted of necessity more than 500 men to defend it, for it might be one of twelve sides, and only two of which were assailable by the enemy at one time. It was, therefore, evident that the guns of the other sides would be silent, so that the men attached to them could be employed to defend the other two.

Sir WILLIAM WILLIAMS said, that Gibraltar mounted all her guns upon one face of the fortress; but all he meant to argue was, the necessity of having some fortification. It would be in the remembrance of many hon. Members, that Admiral Somers was defeated off Algesiras, and had to retire, not by the French fleet, but by two or three well-directed guns from a small fort.

Sir FREDERICK SMITH thought that was an exceptional case.

Major STUART WORTLEY wanted to know if Lord Palmerston had received any intimation from the inhabitants of the different seaports that, in the event of the military defences being withdrawn, they would be willing to defend those ports?

Viscount PALMERSTON was quite satisfied that the public spirit of the country would prompt them to do so.

Mr. RICH thought, that before voting the money, it was desirable that the Committee should hear the reasons for the erection of each particular fort.

Sir CHARLES NAPIER admitted that it was mainly upon the spirit of the people that we must depend for the defence of our coasts; but he would remind the noble Lord, that the first thing which would occur on the breaking out of war, would be the withdrawal of the coastguardsmen and volunteers to man the fleet. These batteries must be left to the tradesmen and shopkeepers, who would no doubt fight very well if they knew how, but who were entirely wanting in that knowledge.

Mr. W. WILLIAMS moved that the Chairman should report progress.

The CHANCELLOR of the EXCHEQUER opposed the Motion. The Committee had heard all that could be said upon the Vote, and upon a great variety of subjects more or less connected with it; he therefore hoped the hon. Gentleman would allow this Vote to be agreed to, and progress might then be reported.

After a few observations from Mr. W. Williams,

Viscount PALMERSTON was understood to say, that the first towns which it was proposed to fortify were those upon the Tyne.

Vote *agreed to.*

House resumed.

Resolutions to be reported on *Thursday* next: Committee to sit again on *Friday* next.

MINISTERS' MONEY (IRELAND) BILL.

COMMITTEE.

Order for Committee read.

Lord JOHN MANNERS said, he had understood that the Committee was not to be taken until after Whitsuntide.

Viscount PALMERSTON: Yes; if there is any objection to proceeding now.

Lord JOHN MANNERS said, he entertained very strong objections.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Lord JOHN MANNERS objected to the Bill being discussed in Committee at that hour of the night (half-past Twelve o'clock). It was a most important measure, and one which involved a great principle. The Government were of opinion that there was in the hands of the Ecclesiastical Commissioners in Ireland a considerable surplus which might be devoted to the support of those clergymen who were about to be deprived, under the operation of the Bill, of the stipends which they now enjoyed. It was, however, alleged, upon the other hand, that the Ecclesiastical Commissioners possessed no such surplus, and his hon. and learned Friend the Member for the University of Dublin (Mr. G. A. Hamilton) had moved for certain returns, by means of which he hoped that the matter would be put in a fairer light than had hitherto been the case. Under these circumstances, he trusted the noble Lord at the head of the Government would not press his Motion for going into Committee, but would adhere to what appeared to have been his original Resolution of postponing the Committee until the Monday after the Whitsuntide recess.

Sir **GEORGE GREY** said, that the hon. and learned Gentleman who had moved for the Returns, had not expressed it to be his wish that the further progress of the Bill should be postponed until they had been laid before the House.

Mr. **HORSMAN** said, he had been prepared to give an explanation, with respect to the funds in the hands of the Ecclesiastical Commissioners, in Committee, as he understood there would be no opposition to the Motion before the House, and he believed he, as much as anybody else, was responsible for any change of intention with respect to the progress of the Bill upon the part of his noble Friend at the head of the Government. He might, however, take that opportunity of making the explanation to which he referred. From certain returns which had been laid before Parliament, it would appear that the income of the Commissioners for the present year was £140,000, while it would seem that it had amounted to £98,000 in the year 1848. He had, however, been informed, that if those figures were taken to be correct, a false impression would be produced, inasmuch as they embraced several items which constituted rather the capital than the income of the Commissioners. From revised returns which he had given him, he perceived that the real amount of their income for the present year was only £99,000, while their expenditure, including the sum of £12,000 which they paid in the shape of ministers' money, was no less than £97,000, so that there remained a balance of only £2,000 a year in their hands. Supposing, therefore, that the obligation of making good the deficiency caused by the passing of the present Bill to be thrown on the Commissioners, no surplus would remain in their hands for the enlargement or building of churches. He should have made that statement before, had he been in a position to do so; but, as he had stated upon a former occasion, he had written to the Archbishop of Dublin, expressing his readiness to make any explanation with which the Commissioners might furnish him, and to that communication he had received no reply. He had, however, since learnt that a letter had been addressed to the Lord Lieutenant of Ireland giving certain explanations which it was requested should be made by him (Mr. Horsman) to the House of Commons. He had communicated with the Lord Lieutenant upon the subject, but had not been enabled to ascertain that any letter, such as he had mentioned, had reached him. Under these circumstances, he had not previously been in a position to afford the House the information which he should otherwise have been found perfectly ready to lay before it.

Mr. **G. A. HAMILTON** said, he entertained the strongest possible objection to the Bill under the notice of the House. It appeared to him to be a measure giving to the owners of houses in certain towns in Ireland, advantages to the enjoyment of which they possessed no just claim. He regarded the Bill as an infringement upon Church property as established by the Church Temporalities Act, and as laying down a precedent which might be made of most injurious application. He felt bound, however, to say, that it did not seem to him to be respectful to the House to persevere in a fruitless opposition to the Bill, after the decision which had been arrived at in its regard, while he was most anxious that the state of the property in the hands of the Commissioners should be placed in its true light before Parliament and the country. The fact was, as had been stated by the right hon. Gentleman opposite, that their legitimate income was about £99,000, while their expenditure was £97,000 per annum, and the obvious operation of the Bill would be to deprive them of the power of applying any portion of their funds, with the exception of the balance of £2,000, between their income and expenditure, to the several important trusts which yet remained unfulfilled. He could not, therefore, help characterizing this measure as one of spoliation, and one calculated to establish a most objectionable and dangerous principle.

MR. BUTT, as a friend of the Established Church in Ireland, protested against the doctrine that ministers' money was to be treated as the property of the Church. He should be sorry that the passing of this Bill should be regarded as a triumph over the Protestant people of Ireland; for there was an earnest desire on the part of the mass of the people of all religious opinions to get rid of a tax which it was not worth while for the interest of the Irish Church to maintain. During the last Parliament there was not one single petition against this Bill, and he believed he should best consult the interests of the Church of Ireland by voting for the measure.

SIR HENRY WILLOUGHBY opposed the Bill on grounds entirely irrespective of the merits of the impost. The law had imposed an obligation upon certain corporations in Ireland, but they had set their faces against the law. They had not waited for the action of Parliament, but had struck at the very principle of law upon which their own authority exclusively rested.

SIR ARTHUR ELTON wished to declare his opposition to the measure now before the House, and his regret that he felt himself obliged to separate from the Liberal party on this occasion; but he did so, because he considered but crude statesmanship on the part of the noble Viscount at the head of the Government, that with his large majority he had not brought in some wise and comprehensive plan for settling all these religious grants in Ireland. It was time that such grants as the *Regium Donum*, Maynooth, and ministers' money were disposed of, but it would be an essential ingredient of any general measure of this kind that fair compensation should be given to those religious societies from whom grants sanctioned by Parliament during a long period of years should be withdrawn. It was not the part of true statesmanship to allow individuals to get up night after night to advance the interests of their own religious community and to damage the interests of those opposed to them. It was wrong in the Government to allow an hon. Member on one night to move to withdraw the grant to Maynooth, and on another to attack ministers' money. By the bulk of the people such discussions were regarded as a victory of Protestants over Catholics, or of Catholics over Protestants. The Orangemen had an innings one night and the Catholics another. These questions would be best settled by abrogating all these grants, giving a fair measure of compensation, and not dealing with the grants piecemeal and bit by bit, but by a general and comprehensive measure.

MR. HASSARD believed, that it was contrary to the wish of the Protestant population that ministers' money should be continued, and that the repeal of the tax would be most grateful to all classes of the people of Ireland. It was stated that the Commissioners of Woods and Works received £3,000 a year from quit rents and other charges upon ecclesiastical benefices in Ireland. This would be a very proper fund as a substitute for ministers' money.

House in Committee.

Bill considered in Committee.

House resumed; Bill *reported*, without Amendment; to be read 3°, on *Thursday* next.

SAVINGS-BANKS BILL.

BILL WITHDRAWN.

Order for Second Reading read.

THE CHANCELLOR OF THE EXCHEQUER said, that it had been his intention to move that this Bill be read a second time *pro formâ* in order to its committal; but as he understood there were some objections to this course, and as he had some Amendments to propose, he should withdraw the Bill, and introduce another, which would be read a first time then, and would be read a second time after the holidays.

Order *discharged;* Bill *withdrawn.*

SAVINGS BANKS BILL (No. 2).

Resolution, reported from the Committee on Savings Banks [12th May], read.

Bill "to amend the Laws relating to Savings Banks, and to provide for the establishment of Savings Banks with the Security of the Government," *ordered* to be brought in by The CHANCELLOR of the EXCHEQUER and Mr. WILSON.

Bill *presented*, and read 1°; to be read 2° on *Thursday* next.

JOINT-STOCK COMPANIES ACT AMENDMENT BILL.

COMMITTEE. LEAVE. FIRST READING.

On Motion of Mr. LOWE, Act read.

MR. LOWE moved, that the House do go into Committee, to consider the said Act.

Motion *agreed to;* House in Committee.

MR. LOWE rose to move—

"That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Joint-Stock Companies Act of 1856.

This measure was almost entirely technical in its nature, being intended to cure certain difficulties which had arisen in the construction of the Act of last Session. Almost the only exception to this would be some clause inserted with a view to compel companies to come in under the Act which had not yet done so, and thereby to prevent two distinct systems of law from coexisting on the same subject. It was not necessary, then, to trouble the Committee by describing the details of the Bill; but it might be interesting to hon. Gentlemen that he should state the result of the Act of last year. That measure received the Royal assent on the 16th of July, from which date up to the present time 410 companies had been formed, nine of which had unlimited, and 401 limited liability. The right hon. Gentleman concluded by moving his Resolution—

Resolved, "That the Chairman be directed to move the House, that leave be given to bring in a Bill to amend the Joint-Stock Companies Act, 1856."

House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FITZROY, Mr. LOWE, and Mr. WILSON.

Bill read 1°.

DUCHY OF LANCASTER—CASE OF MR. F. R. BERTOLACCI—PETITION.

MR. CONINGHAM rose to move that the Petition of Mr. Francis Robert Bertolacci, Auditor of the Duchy of Lancaster, praying the House to appoint a Select Committee to inquire into the statements set forth in his Petition (presented May 19) be printed with the Votes. The hon. Member read a statement made by Lord Belper, when Chancellor of the Duchy of Lancaster, bearing testimony to the high character and fitness, as well as to the public services of Mr. Bertolacci, and then referred to the circumstances under which that gentleman was, as he alleged, illegally and unconstitutionally dismissed from the post of Auditor of the Accounts of the Duchy of Lancaster. Mr. Bertolacci had held a patent office under the Crown, from which he could not be removed except for misconduct, and his only misconduct was that he had attempted to do his duty to his country. Moreover, it was a remarkable fact that the individual appointed to succeed him was a near relative of the Receiver General, whose accounts were impugned in the controversy which ended in Mr. Bertolacci's dismissal. The hon. Member concluded by moving that the petition be printed.

SIR JOHN TRELAWNY having seconded the Motion—

Motion made, and Question proposed, "That the Petition of Mr. Francis Robert Bertolacci, Auditor of the Duchy of Lancaster, praying the House to appoint a Select Committee, to inquire into the statements set forth in his Petition, presented upon the 19th day of this instant May, be printed with the Votes."

MR. WISE opposed the Motion on behalf of the Select Committee on public petitions. That Committee had laid down certain rules with respect to the printing petitions, which were violated by this. It consisted of sixty folio pages, and the printing would cost £25. It entered into very lengthy details, and made charges affecting the character and conduct of noble Lords and Gentlemen who had no opportunity of replying to them in that House.

MR. BAINES said, he had no personal knowledge of the transactions referred to in the petition, which took place two years before he became Chancellor of the Duchy of Lancaster. It contained charges which should certainly be met as promptly as possible. It was the desire of his predecessors in office that they should be brought forward at as early a day as possible, and they undertook, and he undertook on the part of the Government, that no difficulty should be interposed in the way of prosecuting the inquiry, and rendering it as full as possible. He was perfectly convinced that the noblemen and gentlemen implicated were ready to meet the charge; and he implored the hon. Gentleman to bring forward his charges as promptly as possible, and he undertook on the part of the Government that those charges should be met as fully and fairly as possible.

SIR GEORGE GREY said, he thought the petition should be submitted to a Select Committee. He thought the best course for the hon. Member for Brighton would have been to have moved, not that the petition should have been printed, but that it should have been referred to a Select Committee of five Members, to be appointed according to the precedents in such cases by the Committee of Selection. He hoped that the hon. Gentleman would withdraw the Motion on the understanding that the Government would interpose no objection to the appointment of a Select Committee to inquire into the subject.

MR. CONINGHAM assented to this course.

Motion, by leave, *withdrawn*.

House adjourned at half-after One o'clock till *Thursday* next.

HOUSE OF LORDS,

Thursday, June 4, 1857.

MINUTES.] PUBLIC BILLS.—1ª Bathing; Smoke Nuisance (Scotland) Abatement; Cinque Ports Act Amendment.

SALE OF POISONS BILL, &c.

COMMITTEE.

Order of the Day for the House to be put in Committee read.

EARL GRANVILLE said, that in moving that their Lordships do go into Committee on this Bill, he would briefly state the object and provisions of the measure. The object of the Bill was twofold—to prevent, if possible, the sale of poisons for the commission of crime on the one hand, and the occurrence of accidents by the sale of poisons by mistake on the other. These were objects, the importance of which all their Lordships would admit, whatever difference of opinion might exist as to the manner of carrying them out. There could be no doubt that too great facilities were given for the sale of those deadly substances, and owing to the present state of things, there was very great difficulty in tracing home to the real murderer the purchase of the poison. Another fact was equally certain, that owing to the careless, slovenly, neglectful mode in which poison was kept in and dealt out of shops, mistakes, causing fearful accidents and death itself, frequently occurred. The 3rd section of the Bill gave a general definition of "poison," and a schedule was added, which contained a list of the poisons which were found by experience to be most habitually resorted to for improper purposes. Another schedule excepted from that list such preparations of said poisons as were rendered inoperative or innocuous, or as were made up according to the Pharmacopæias of London, Edinburgh, and Dublin. The poisons subjected to restrictions, and mentioned in the schedule, might be added to by an order of Her Majesty in Council, and the same authority might also modify the schedule exempting certain compounds from these restrictions. The fifth clause contained a provision by which poison could only be sold to a person of full age, in the presence of a witness of full age, and that on the production of a certificate by the purchaser, signed by a legally qualified medical practitioner, a justice of the peace, or by the clergyman of the parish, and to that it was proposed to add, by any two resident householders. The sixth clause provided that the seller should make an entry in a book of each sale, stating the date of sale and of the delivery, the name and address of the purchaser, the name and quantity of the poison sold, and the purpose for which it was stated to be required. The existence of this book would, it was believed, be an important element in the prosecution of criminal cases from poisoning that might arise, and would, at any rate, prevent the present malpractice of selling poison to children who were now frequently made the innocent means of accomplishing the purpose of the murderer. The next clause referred to the covering of the bottles, &c., used in the sale of poisons, and provided that all poisons sold should have a covering of tinfoil distinctly labelled with the address of the seller and with the word "poison" moulded on the bottle. Another provision of great importance was to the effect that no colourless poison should be sold in a solid state unless it was mixed with a proportion of soot or indigo; and that in the case of colourless liquid poisons they should be mixed with a certain quantity of the solution of archil. These colouring articles had been fixed on as being in their nature cheap, and easily found in any part of the country; but the necessity for this admixture was dispensed with where the certificate stated that it would render the drug unfit for the purpose required. Then came a very important clause, providing that where medical prescriptions were given these formalities might be dispensed with, and that they should have no application to the sale of poisons by wholesale to retail dealers, or when they were required for lawful use in the ordinary purposes of trade or lawful occupation. There were at present 16,000 people engaged in the sale of poisons, without any restriction whatever as to the part of the premises in which those poisons should be kept, and without being required to keep them separate from other articles, or under lock and key—a state of things which had led to many deplorable accidents and mistakes. There were 500 cases every year of deaths from poisoning, either intentional or unintentional, and there was reason to believe that not more than one case out of three or four that actually occurred came to the knowledge of the Registrar General. To avoid, as far as possible, the sale of poisons by mistake, it was provided by the Bill that they should be distinctly labelled and kept apart from other articles in the shop or dispensary. The last clause imposed a penalty of £20 for the first offence, and £50 and disability for the second, on any person, whether seller or purchaser, offending against the provisions of the Act. He did not think this was a perfect Bill, nor, indeed, did he believe it possible to legislate so as entirely to prevent intentional and unintentional poisoning; but he thought the very reasonable and moderate restrictions laid down in the measure would, in the main, tend in a very simple way to diminish the number of deaths that were now occasioned in this unhappy manner.

Moved, "That the House do now resolve itself into a Committee upon the said Bill."

LORD CAMPBELL entirely concurred with his noble Friend that great evils arose from the facilities at present given in obtaining poisons, and he rejoiced that the subject had been taken up by the Government. There was no doubt poison given with intent to murder could be obtained with the greatest possible ease. He owned the subject was one of difficulty, but he was strongly inclined to think that the Bill would do much towards preventing the sale of poisons for improper purposes —indeed, so far as he could see, all that legislation could do; and he tendered his warmest thanks to the noble Earl, and would give the Bill all the support in his power. He would now call the attention of their Lordships to another kind of poison that was sold to the public—moral poisons, as destructive to the mind as these were to the body—he meant the sale of indecent publications and prints—an evil which he grieved to say was greatly on the increase. He trusted something would be done to check so flagrant an evil. On that very day he had presented a petition to their Lordships from the Society for the Suppression of Vice, praying that this hideous abuse might be put a stop to.

THE MARQUESS OF WESTMEATH gave an explanation respecting a case which he had brought under the notice of the House in the last Parliament, when he stated that poison had been dealt out by two striplings. The chemist wished him to state in his place in Parliament that one was an assistant and not a stripling, and he now complied with that request.

THE EARL OF HARDWICKE thought, from the tone of the noble Earl (Earl Granville) in stating the details of the Bill, that he was rather doubtful of its success, and he (the Earl of Hardwicke) doubted whether any form of words would perfectly accomplish the object at which the Bill aimed. The present measure certainly would materially affect the interests of the chemists of this country, and would, he was assured, if passed, compel the closing of two-thirds of the druggists' shops throughout England. He was informed that poisons were so commonly used in trade and manufactures that even if the Bill passed there would still remain facilities for those who desired it to obtain them. Among other things mentioned in the Bill was antimony; but antimonial wine was known as an emetic in ordinary use; but if the Bill passed that medicine could not be sold without the risk to the seller of incurring the penalties prescribed in the Bill. It was the same with sal ammoniac and oxalic acid, which were both used extensively for many purposes, and he was reminded by a noble Friend that the latter article was requisite for cleaning boot tops. If this Bill passed, it could not be sold without an admixture of soot or indigo, and he should like to see how the gentlemen of the Leicestershire hunt would look with their boot tops cleaned with a mixture of oxalic acid and soot. Chloroform would be prohibited, and the sale of patent medicines, many of which contained preparations of opium, and other drugs which the Bill would make poisons, almost annihilated. The noble Earl had stated that all poisons should be vended only in square bottles; but in many medicines prescribed by physicians poisons formed ingredients, and under the proposed law the patient, upon seeing the square bottles, would know that they contained poison, and might naturally be disinclined to take the medicine. There were many other matters of detail upon which grave objections had been made, and he hoped that before the Bill was finally disposed of the noble Earl would receive the benefit of the suggestions which a deputation from the Pharmaceutical Society were anxious to offer him.

LORD TALBOT DE MALAHIDE said, that better means might be devised to attain the object of the Bill. He thought that a good example had been set by Ireland in that respect. He found that many of the clauses in the Bill were taken from the Irish Apothecaries Act of 1791—an Act which had been found most beneficial, and of which no one had complained. One evil which existed which would interfere in the working of this, or any other similar measure, was the difference between the *Pharmacopœias* of the three kingdoms, and it would be a great advantage if those distinctions could be abolished. He thought also that the chemists and druggists of Ireland held a higher *status* than those of England. In the Bill an attempt was made to define poisons, which he thought was most dangerous, and would suggest that no definition should be given; for if certain articles were stamped as poisons it would stimulate the discovery of other substances having the same effect. He would also suggest that there should be greater facilities for prosecuting apothecaries for selling poison improperly. He believed that in Scotland, where there was a public prosecutor, there was not the same safeguards against poisoning as existed in the other divisions of the United Kingdom. The Sheriffs in Scotland possessed the authority of coroners; but inquests were of very rare occurrence, and he was satisfied that many cases of poisoning escaped investigation. He regretted that it was proposed to exempt druggists and chemists from the operation of the Medical Bills now before the House of Commons; and, he trusted, that an attempt would be made to elevate their *status* as in Ireland, and that a law would be enacted to prevent persons not properly qualified from selling drugs.

LORD REDESDALE would suggest to the noble Earl (Earl Granville) whether it would not be better that this Bill should be referred to a Select Committee, considering the difficulties of the subject, and the very small amount of information which their Lordships had upon it. It would be most absurd first of all to put forth a long list of poisons which should be prohibited to be sold, and then, in order to suit the requirements of trade, to make out a list of exceptions almost equal in length to the prohibitory list.

EARL GRANVILLE admitted that there was great difficulty in legislating on this subject; but it must be remembered that legislation had been successful in other countries, and he had little doubt that, after the investigation which the subject had undergone, the present Bill, if it did not fully meet, would very much diminish, the evil. It would not be forgotten that the Bill did not interfere either with medical prescriptions, or with the sale of chemicals largely used in trade. He believed he was correct in stating that the College of Physicians in the three countries of the United Kingdom were at the present moment in communication with reference to a revision of these different *Pharmacopœias*, which was a most important point, because, in consequence of the various strengths of drugs referred to in those *Pharmacopœias*, the quantities, prescribed by one would be sufficient to poison, if administered according to the strength indicated by the other. He only mentioned this as an instance of the necessity of having one general and well-understood *Pharmacopœia*. If it were thought that further investigation of the subject would be productive of a better measure, he had no objection whatever that it should be referred to a Select Committee.

LORD CLONCURRY said, that one of the chief causes of accidents from poison arose from the doctors making a mystery of their prescriptions by writing them in bad Latin instead of in plain English. The Latin language was one which apothecaries' assistants knew little of, and this was a most fruitful cause of accident from poison.

The said Motion (by leave of the House) *withdrawn;* and Bill *referred* to a Select Committee to consider and report.

DIVORCE AND MATRIMONIAL CAUSES BILL.

REPORT OF AMENDMENTS.

Amendments *reported* according to order.

LORD BROUGHAM said, that although another opportunity would occur of giving his opinion upon this Bill, yet having, from accidental circumstances, not had the advantage of being present at its former stages, he thought it right to refer to one or two points upon the present occasion. He entertained a very strong objection to an omission in the Bill itself—of which, however, generally speaking, he entirely approved—and he also objected to what had been called an "Amendment" that had been made in Committee, believing that in the history of legislation, they would not be able to find an instance in which the word was more inaccurately used. The strongest objection to the action for criminal conversation—which on all hands, or perhaps he ought rather to say, in deference to his noble and learned Friend (Lord Wensleydale), on almost all hands, was admitted to be an evil — was the grievous and crying injustice which was done to the unhappy wife of the plaintiff. Behind her back, without even the possibility of knowing that such an action was pending, with no service of notice, with perfect facility to her husband of colluding with the alleged adulterer, her character might be for ever ruined and undone. Instances of this had repeatedly occurred. On a former occasion, some were stated by his noble and learned Friend (Lord Lyndhurst), and he had himself mentioned one, in which an action for criminal conversation was compromised by the family of the defendant paying a very trifling sum, all that the husband wanted being a verdict, preparatory to obtaining a divorce; and it turned out, by the proceedings in the Ecclesiastical Court, that not only was the wife perfectly guiltless, but the marriage had never been consummated, either by the husband or any other person. These were among the strongest arguments for abolishing the action for criminal conversation; but to a great degree the same objection applied to the suit instituted under the Bill; for the husband might proceed against the wife, and the alleged adulterer have no knowledge of those proceedings. [The LORD CHANCELLOR: The proposal was to make them both defendants.] That did not appear by the Bill as reported. He was glad to hear such an alteration was intended. But he now came to consider what was called the Amendment. He found that their Lordships had invented a new species of divorce, and for that invention of theirs they would probably not deem it necessary to take out a patent, inasmuch as they might be quite sure no one would have any desire to pirate their invention or infringe their right of authorship in the design. It was an invention of a new species of divorce, being neither separation *à mensâ et thoro* nor divorce *à vinculo matrimonii*, but partly one and partly the other, having the defects and imperfections of both. It was partial and imperfect like divorce *à mensâ et thoro*, and being irrevocable like divorce *à vinculo*, it perpetuated those defects. With respect to one party it was a complete divorce. The *vinculum* was dissolved, the marriage was annihilated, and that party might marry again. But with respect to the other party, it was only half a divorce. That party could not marry again. He might take it that, generally speaking, the husband would be allowed to marry again, and not the wife, for this reason,—although the Bill somewhat dishonestly, as he thought, by way of appearing to give equal justice to both, provided that either party might be prevented, if not the party prosecuting the divorce. We knew very well, that in ninety-nine cases out of a hundred, it was the husband and not the wife who prosecuted for divorce; this was the result of the principles that guided the legislative practice, and the new court was to proceed on the same. Substantially, therefore, their Lordships' invention left the husband free, but, with the usual imperfections of all unnatural productions, all hybrid and monstrous things, left the wife not altogether free, nor altogether fettered. Part of her chain was removed, but some links were left clanking round the rags in which their Lordships were pleased to clothe her. She was not to marry again. She was doomed to the alternative of prostitution or want—of sinning or starving—of the streets or the workhouse. Truly, with all his respect for their Lordships, and all the proneness which he naturally had to admire originality of conception, he should be guilty of some of the inconsistency in which this invention was framed, and of the hypocrisy which it largely tended to encourage, were he to express any admiration of the original genius which it displayed. Supposing they put all violation of justice out of their view (no little matter in an assembly which was the highest court of justice in the realm)—supposing they put all regard for morality out of view (no little sacrifice) even for argument's sake, in a place adorned by the dignitaries of the Church—supposing justice and morality out of the question, and taking it upon the lower ground of expediency, he wanted to know what they gained? Their object was to prevent adultery. Had this invention such a tendency? What if it had no tendency whatever of the kind? What if, on the contrary, it had a tendency to encourage the offence? And such must needs be its effect, unless he were told, contrary to all the maxims and principles of our law, and contrary to the fact, that the woman, and not the man, was to be regarded as the principal offender. The law said, and experience proved, that it was rather the man than the woman, and this invention directly encouraged the man in the offence by giving him an Act-of-Parliament guarantee against having to take to his home the accomplice of his guilt. How often have men been checked in their course of invading their neighbour's bed by the apprehension that they might be tied for life to the victim of their seduction, whom the laws of honour would cast upon their hands? But this law abrogated those laws at once, and made it utterly impossible the penalty of his offence should fall upon the seducer. With respect to the woman, the loss of her station as a wife, the loss of her position in society, the loss of intercourse with her children, the loss of everything which a woman valued most in social existence, of all that was valued even by women whom no care for children affected —afforded, as he thought, much better security against her going astray than this addition—unjustly, uncharitably, and inexpediently preventing her marriage, not merely with the adulterer, but with any person whatever. He, therefore, took the view taken, he was sorry to say, by a minority of their Lordships; and the more he considered the point, the more confidently he held the opinion, that a greater blot never was affixed upon a measure in itself highly beneficial than had been imprinted upon this by the Amendment to which he had now directed their attention.

Lord REDESDALE said, he must remind the House that the noble and learned Lord had altogether omitted one very important argument from his consideration in denouncing the Amendment in question —an argument which he (Lord Redesdale) had stated in support of the alteration in Committee, and to which he believed their Lordships generally assented—namely, the distinct asseveration in Holy Scripture that "he who marrieth a woman that is divorced committeth adultery." On that ground the Amendments were introduced —on that ground they were supported, and seeing that they were entirely in accordance with the law of God, he could not withhold from them his assent. It was not his intention at present to enter into controversy with the noble and learned Lord with regard to his second objection, because it would be discussed at a future stage.

Lord BROUGHAM replied, that it was far too late in the day to bring forward a quotation from St. Matthew as a ground for the insertion of a clause in this Bill forbidding a woman to marry again, as well as a man, after being divorced, considering that not only is the same injunction not contained in the writings of two other Evangelists, but that for 150 years we had gone on allowing both parties to marry again after being divorced. The opinion of learned men had also been expressed in support of that doctrine, as might be seen from the writings of the learned and able Bishop Cousins.

Lord REDESDALE said, that the words of St. Matthew were sufficiently explicit for him whether confirmed by the other Evangelists or not.

The Earl of DONOUGHMORE said, he had supported the Amendment in question when under the consideration of the Committee, on the ground that he thought the party who had broken the marriage contract had no right to profit by his or her own crime.

Bill *re-committed* to a Committee of the whole House on *Tuesday* next.

ADMINISTRATION OF OATHS TO WITNESSES.

REPORT OF SELECT COMMITTEE. RESOLUTIONS.

The Report from the Select Committee on the Administration of Oaths to Witnesses, read.

Lord CAMPBELL, in moving the consideration of the Report of the Select Committee on this subject, said, the Committee very early came to the resolution, that in the practice of Select Committees of their Lordships' House it would be a great improvement to abstain altogether from administering an oath to witnesses who came before them to speak to matters merely of opinion. They were of opinion that to swear a man that he must speak the truth on any speculative question of that sort was most preposterous, and that it was always a desirable thing to avoid unnecessary oaths.

They, therefore, came to a unanimous decision to recommend the discontinuation of the practice of tendering oaths to a witness who came to speak only to matters of opinion, and he hoped their Lordships would confirm that decision. But where there were contested facts and conflicting evidence, the Committee considered that it was just and necessary to administer an oath to witnesses who came to depose to matters of fact before a Committee of their Lordships' House on a private Bill as it was in any court of law in the kingdom. The Committee, however, had left the mode in which the oath should be administered in that case an open question; but he (Lord Campbell) was clearly of opinion that the witnesses ought to be sworn before the Committee that sat upon the Bill, and not at the bar of the House. The noble and learned Lord concluded to *resolve—*

> "That Select Committees in future shall examine Witnesses without their having been previously sworn, except in Cases in which it may be otherwise ordered by the House:
>
> "That all Committees on Private Bills shall examine Witnesses on Oath, except in Cases in which it may be otherwise ordered by the House."

House adjourned at half past Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 4, 1857.

Minutes.] New Writ.—For the County of Carmarthen, *v.* David Arthur Saunders Davies, esq., deceased.

Public Bills.—1° Court of Exchequer (Ireland); Married Women's Reversionary Interest; Burials; Alehouse Licensing.

2° Turnpike Trusts Abolition (Ireland); Joint-Stock Companies Act Amendment; Sheep, &c. Contagious Diseases Prevention.

3° Ministers' Money (Ireland); Princess Royal's Annuity.

THE OATHS BILL—NOTICE.

Sir FREDERIC THESIGER: Sir, it may be for the convenience of the House that I should state the course which I propose to pursue with regard to the Oaths Bill, the second reading of which is fixed for Monday next. At the time of the introduction of the Bill I stated to the noble Lord at the head of the Government that it was my intention to postpone any opposition which I might have to offer to the Bill to the second reading. Since that time I have had an opportunity of carefully considering the form of Oath proposed by the noble Lord, and also of consulting with those friends who hold the same views as myself with regard to this question, and we are all of opinion that the Oath proposed by the noble Lord is in many respects a very great improvement upon the Oaths at present taken, both on the score of simplicity, and also as putting an end to the taking of oaths the necessity for which has become obsolete. Our only objection to the Oath proposed by the noble Lord is that it may be taken by persons who are not compelled to declare themselves Christians. In order to carry out the object which we have in view it would be necessary to insert certain words in the Oath, and that cannot be done upon the second reading. We approve generally of the form of the Oath, and our only complaint is that it falls short of what we desire. What I propose to do, therefore, is to offer no opposition to the second reading of the Bill, but in Committee I shall propose the insertion of certain words which will preserve the Christian character of this Oath. In that manner I shall raise the simple question without the admixture of any foreign matter, whether this House is prepared to admit to the Legislature persons who do not profess the Christian faith? I have thought it only due to this House to state thus briefly the course which I propose to adopt.

The CHANCELLOR of the EXCHEQUER: Sir, after what has fallen from the hon. and learned Gentleman, I beg to state that should there be no prolonged discussion on Monday next with regard to the Oaths Bill, we propose to continue the Committee of Supply, and if the Army Estimates should be concluded to-morrow, to go on with the Civil Service Estimates on Monday.

PAPER DUTY—QUESTION.

Mr. G. A. HAMILTON asked the Chancellor of the Exchequer whether it is the intention of Government, with a view to the promotion of education, to propose any measure for granting a drawback on the paper duty as regards paper and books used for the purposes of education?

The CHANCELLOR of the EXCHEQUER said, he had no intention at present of introducing any measure with that object.

PAUPER LUNATICS, MARYLEBONE.

QUESTION.

MR. KINNAIRD asked the President of the Poor Law Board, Whether he has received any Communication from the Board of Guardians of St. Marylebone in answer to the Report of the Commissioners of Lunacy, and whether he will have any objection to lay such Communication upon the table of the House; and whether any steps are about to be taken for the purpose of preventing the continuance of the system now prevailing in the Marylebone Workhouse in regard to the treatment of Pauper Lunatics?

MR. BOUVERIE said, that, with respect to the first question, a letter had been received from the Board of Guardians of St. Marylebone, accompanied by a copy of a report of a Committee of their own body upon the subject of the hon. Member's question, in which they recommended that certain steps should be taken with the view of remedying the evils which they admitted to exist in connection with the Marylebone workhouse. Subsequently to the reception of that communication he had deemed it desirable that the inspector of the metropolitan district should attend a meeting of the Board, as by law he was entitled to do, and consult with its members as to the steps which ought to be taken for the purpose of devising a remedy for the evils to which they had adverted. That gentleman had accordingly attended a meeting of the Board, but had been requested to walk out of the room, and had been obliged to do so, the guardians refusing to admit his right to interfere in their deliberations. He (Mr. Bouverie) had, however, been advised that such a right did exist in accordance with existing statutory provisions, and he had therefore thought it to be his duty to take proceedings with the view of vindicating that right. Steps had been taken with that object, and the question was now before the Court of Queen's Bench. He had no objection to lay upon the table any papers connected with the subject for which his hon. Friend might deem it desirable to move, and he might add that an inspector, who had been elected by the Board of Guardians, had recently visited the workhouse, and had made a report to the Poor Law Board to the effect that, so far as the accommodation afforded by the workhouse would admit, every effort was being made to place the pauper lunatics upon a satisfactory footing.

TURNPIKE TOLLS (SCOTLAND).

QUESTION.

In answer to Mr. COWAN,

LORD ELCHO said, he did not propose to introduce during the present Session any Bill for the purpose of abolishing tolls levied at turnpikes and bridges in Scotland. He hoped, however, to be in a position to do so at the commencement of the ensuing Session.

CHURCH RATES—QUESTION.

SIR JOHN TRELAWNY: Sir, I wish to ask the noble Lord at the head of the Government, whether it is his intention to introduce a Bill this Session on the subject of Church Rates?

VISCOUNT PALMERSTON: The Government have a measure upon the subject in course of preparation, and we hope to be able before long to submit it to the consideration of the House.

SIR JOHN TRELAWNY: The answer of the noble Lord does not appear to me to be satisfactory, and I fear I shall therefore be under the necessity of bringing forward this evening the Motion with regard to Church Rates which stands on the Paper in my name.

SIR JOHN PAKINGTON: The noble Lord says it is his intention to introduce a Bill "before long." I wish to know whether he means by those words during the present Session? They might very well mean next Session.

VISCOUNT PALMERSTON: Next Session is a very long time to look forward to. I meant, of course, that Government intend to introduce the Bill during the present Session.

SIR JOHN TRELAWNY: Sir, after the noble Lord's last answer I shall withdraw the Motion, which is on the Paper, on this subject.

VOTING PAPERS.

SELECT COMMITTEE MOVED FOR.

LORD ROBERT CECIL said, that in the outset he wished to correct a misapprehension which had got abroad, and to disclaim any intention of seeking to deal with the subject of the ballot, which he said would not be affected in one way or the other by the success of his Motion. He might also state, seeing that a hon. Gentleman opposite had given notice of his intention to move the previous question, that in asking the House to assent to his proposal, he was not calling upon it to legislate, but simply to inquire, and that therefore the argument that all questions relating to the elective franchise should be postponed until the whole subject came under consideration next year, was one which could not justly be urged in opposition to the course which he was about to ask the House to take. The fact that they were going to legislate on that great question next year, was a fair reason for inquiry now. He believed the adoption of the system of voting papers would remedy many of the defects in the present condition of the electoral franchise of which reformers complained. Those who were the advocates of Reform were opposed to the present state of things, because they did not think the franchise was sufficiently extended; but, while holding these sentiments, they did not seem to be quite alive to the circumstance that, in the case even of those who possessed the franchise, the privilege which it conferred was exercised by a comparatively small number out of the whole body of electors. To show, however, that such was the fact, he might state that, at the general election which took place in 1847, there had been contests in thirteen counties or divisions of counties, in which the number of registered electors had amounted to 90,400; the number who had not voted being 24,136, or about twenty-seven in every 100 persons. There were no returns on which reliance could be placed in connection with the general election of 1852; but it appeared from a high liberal authority—the *Edinburgh Review*—that fifty-five out of every 100 electors in large constituencies had, in that year, abstained from voting. The reason why the franchise had been exercised in so small a number of cases in the counties was to be accounted for by the distance which the voters had to go, by the expense which travelling entailed, and by the circumstance that many persons were so much engaged as not to be able to spare time to attend at the elections. In support of the last mentioned reason, he might observe that in Middlesex, a bustling and industrious county, and one where the polling-places were more numerous than in the other counties, there were forty-three out of every 100 electors who had not voted; and that while the total number of electors had amounted to 13,781, 5,950 had abstained from exercising the franchise. The present system, then, was evidently extremely imperfect in its operation; but, in his opinion, the Bill of the noble Lord opposite (Lord R. Grosvenor), which had for its object the rendering the payment of travelling expenses penal, would, if passed into a law, afford a still stronger reason than any which he (Lord R. Cecil) had advanced for the adoption of some such measure as he proposed. The question was one which must be settled in some way or the other. It had never yet been satisfactorily settled. The courts of law had given conflicting decisions on the subject, and it was matter of doubt in what light Committees of the House of Commons would regard the payment of the expenses of voters. The question, however, must be solved in one way or another, and the Bill proposed by the noble Lord the Member for Middlesex was so open to objection, and would disfranchise so large a number of voters, that he did not believe it would be adopted by Parliament. There was no other way of dealing with the question satisfactorily except by taking away the necessity of going to the poll at all, which could only be done by means of voting papers. An additional recommendation in favour of the plan he proposed was, in the diminution of the present expense of county, as compared with borough elections. These expenses frequently amounted to £4,000, £5,000, or £6,000. They might not always appear in the auditor's accounts, or in any public document, but they formed a heavy penalty, which prevented many men from going to Parliament; and many valuable and deserving Members were compelled to retire from the representation of counties because they were not able to meet the heavy expenses of a contested election. Another blemish was one which the House had made many futile attempts to remove. He referred to that which was the subject of frequent complaint—and, indeed, almost the only ground now remaining on which the petitions against the return of Members relied, namely, "treating." Bribery, although not abolished, was much diminished. The great offence was treating, and the system of voting papers would absolutely put an end to this abuse. "Treating" usually took place when voters were brought up to the poll; and when persons had put off their affairs, and had come a distance to vote, they very naturally expected some refreshment, and candidates and their friends had some difficulty in refusing their requests: but, if it were unnecessary for the voter to leave his home, the occasion for the offence would be taken away. Voting papers would also put an end to the inconvenience of collecting together large assemblies of persons in times of great political excitement, and would relieve us from the scandal of those occasional outbreaks of riotous and disorderly conduct which were a disgrace to our political system. Foreigners remarked with astonishment the disgraceful saturnalia that characterized an English election, and the system of voting papers would put a stop to the scenes of personal violence which sometimes occurred. Of course, as long as electors continued to be corrupt it would be impossible wholly to stop the selling and buying of votes; but one of the most common forms of bribery would be put an end to by voting papers. It was a species of bribery more common perhaps in towns than in counties, and depended upon the state of the poll, as it went on, being furnished to the respective candidates. When the numbers ran close at a critical period of the day, candidates or their friends were sometimes tempted to bribe in the heat of the moment, and the result was an election petition. This temptation would entirely be put a stop to by a system of voting papers, as under his plan the state of the poll would not be known till the election was over. These being the advantages of the plan he proposed, it seemed hard to find any objections to its adoption. But it was said that the plan had been tried and failed in the elections of guardians for poor law districts. It was alleged that the system had been productive of fraud and forgery in poor law elections, and that it was, therefore, unfit for Parliamentary contests. Now, he denied that as a general rule the system had failed in poor law elections, and he relied upon the authoritative Report which the Poor Law Commissioners had given of the working of the system. In the first Report of the Commissioners, which was signed, among others, by the present Chancellor of the Exchequer, they stated the reasons which led to the adoption of the system in poor law voting—

> "In the largest parishes, with the most numerous constituents, and with the greatest facilities hitherto offered to the ratepayers to exercise a general control over the management, we usually find that the greatest number of voters by whom any election is determined constitute only a minority, and usually a small minority, of the whole body of ratepayers; and in the rural parishes, where the population is widely scattered, we frequently found the management in the hands of a very small knot of individuals, whose residences enabled them to attend without inconvenience the place for the transaction of parochial business. The larger ratepayers and the persons most deeply interested—those engaged in trade or otherwise occupied—could not abandon their occupations to attend to their interests in parochial management without greater prejudice to their more immediate interests in the pursuit of their ordinary occupations."

They added—

> "As the progress of the votes is unknown, so are the motives to use undue means to affect the result diminished, and the voter is proportionately shielded from the use of those means."

Again—

> "At St. Martin's-in-the-fields there used to be only, at the utmost, 750 voters out of 1,500 ratepayers. At the first voting paper election out of 1,649, 1,522 voted, or not quite seven-eighths."

Such an improvement was what they fairly might expect if the system were extended to Parliamentary elections. But did the experience of subsequent years falsify the expectations of the Commissioners? The only other allusion to the system which he had been able to find in the Reports of the Poor Law Commissioners was in their Report for 1839, where they said—

> "By the voting paper on which the elector is to record his vote in his own handwriting being left one or two clear days at his residence he is enabled to give his vote in the most free and deliberate manner, undisturbed by the importunities of canvassers, or the tumult and clamour of the polling-booth . . . . . Hitherto this mode of election has given general satisfaction. Moreover, it has continued to be marked by greater numbers of votes being given than have been obtained for like objects under any other form of election. In the greater number of instances of contested elections the number of votes polled have been more than trebled."

There was a later testimony in favour of the system in a paper laid upon the table two years ago by the noble Lord the Member for Marylebone, from which it would appear that the plan had worked well, and that in the few cases in which it had failed the failure could be traced to the wretched machinery employed, and the under-payment of collectors. Where, however, the police or other parties, over whom some check existed, were appointed to collect the papers, the results were most satisfactory. He should be told that the system had failed in Leeds. In 1852 there was a contested election there, and great frauds were practised; but on referring to the papers laid before Parliament at the time, it would be found that all the frauds turned upon the misconduct of the clerk who had the collection of the papers. The voting papers were returned to the clerk of the Board of Guardians, over whom no great check existed, and he selected a number of drunken and disreputable men for collectors by whom numbers of votes were tampered with in their passage. He did not think that the misconduct of a single official ought to be received as conclusive evidence against the working of the system. It might be an argument against legislation, but neither this incident nor any hypothetical suggestion of fraud could be an argument against inquiry. It would be for a Committee to consider whether any such liabilities to fraud might not be remedied by the machinery employed. It was said that if voting papers for Members of Parliament were adopted, there would be great difficulty in preventing voters from being hustled in their own houses, and that the independence of the voter would be interfered with. That might be an objection which could be very fairly brought before the Committee, but which was not an objection against examination and inquiry. Two years ago a Bill was brought in by his hon. and learned Friend (Sir F. Kelly) which proposed to introduce a system of voting papers, by which voters would sign their voting papers in the presence of a justice of the peace or other person of official respectability, who should forward them to the returning officer. Such a system as that would be an antidote to the danger of any exercise of undue influence over the voter. But he was not concerned to bring forward any system in detail. All he asked for was inquiry, an inquiry into a subject never before investigated by that House. Many persons whose opinions were worthy of attention believed that this plan might be fitly applied to Parliamentary elections, and he, therefore, trusted that his present Motion would be acceded to. In conclusion, he would only add, that whatever might be said of the adoption of voting papers in boroughs or counties, there could be no objection to their application to Universities. The case of the University elector was generally a hard one. The barrister or poor clergyman who lived at a remote distance from the place where his vote had to be given—resident perhaps in Cornwall or Northumberland—was forced to travel several hundred miles there and back at great expense to himself, in order to do what might be done as well by letter without any such inconvenience. The noble Lord concluded by moving for a Select Committee to inquire into the expediency of collecting the votes at elections in counties and universities by way of voting papers.

MR. SPOONER seconded the Motion.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the expediency of collecting the Votes at Elections in Counties and Universities by way of Voting Papers."

MR. TORRENS M'CULLAGH said, he rose to move the previous question. A considerable feeling existed that at this period of the Session, and in the present state of public business, it would neither be expedient nor reasonable to add to the number of Committees. He agreed that the subject was important, and that this was a question which went to the very root of our representative system, he should, therefore, be very sorry to see any inquiry by a Committee of the House of Commons on such a subject at a time when it could not be other than superficial, and, from the distraction of other business, comparatively valueless. It would be open to the noble Lord next Session to move for an inquiry into the system as it operated under the poor law; but he thought it would be extremely unadvisable that the House should by agreeing to such a Motion, under existing circumstances, inferentially commit itself to the extension of a system to Parliamentary elections, which, he maintained, had failed in the case of elections held under the poor law. The essential difference between the old system of personal voting, which he would call the manly system, and the new system, which he would call the feminine system—for it was intended that women should vote — was this, that the former, in giving the Parliamentary franchise, carries out the principle of the constitution in theory and practice, for no voter could be precluded from the exercise of his rights by any one, high or low. But as regarded the new system, it should be borne in mind that the testimony of the Poor Law Commissioners, to which the noble Lord had referred, was given at a time when the working of the system was as yet untried, and that it was rather to the expected fruits than to the actual results realized that the Reports pointed. The Report of 1835 was published when the voting paper system had been only a few months in operation; and although it bore the attesting signature of the Chancellor of the Exchequer (Sir G. C. Lewis), subsequent experience of the more matured working of the system had proved it to be, in many important particulars, fallacious. But were they without evidence to show that the system of voting by papers had failed? Certainly not. He would show that there were five different contingencies in which, by the acts of other persons, and without any complicity, privity, or consciousness, on the part of the voter, he might be ousted of his right. First, it was possible that the voting paper might not be left at the house of the voter at all. This had happened during the poor law elections. In the Union of Swansea a complaint was made in 1855 of irregularities in the election of guardians, which the poor-law authorities, though reluctant to entertain such questions, ordered to be inquired into. The Inspector was sent down, and after full inquiry reported that there had been gross irregularities and informalities, and that there had been seventy-five persons in one locality who had never been served with voting papers at all—an omission which was found to be due to the influence of a motive proceeding from the circumstance that the locality where they resided was said to be inhabited by the "enemy." The election was declared "void." The same year a similar complaint was made respecting Banbury, and, for similar reasons, there also the election was declared void. Now, when he asked what security there was against such omissions in Parliamentary elections, the answer given him was that the voter could always personally go and tender his vote; in other words, the old system was prayed in aid to help out the new. The next step in the process was that the papers, if delivered, might afterwards be tampered with. In 1855, in the parish of Lambeth there was a complaint made before the magistrates that an agent of one of the candidates had violated the statute introduced by the late President of the Poor-law Board; and the person charged with this offence was sentenced to twenty-eight days' imprisonment. He also remembered the case of two respectable gentlemen, who were the candidates for the office of poor-law guardians for Lambeth, going to the house of a voter, in his absence, and, upon the authority of some member of his family, filling up the voting paper with their own names, and erasing the names which the voter had inserted. For this offence they were sentenced to fourteen days' imprisonment; and it was not unworthy of notice, that great excitement was described as having been manifested in the court when the sentence was pronounced, and the utmost astonishment having been displayed by the two gentlemen at being found guilty of a criminal offence. A deputation, headed by three Members of Parliament, waited upon the Home Secretary to remonstrate against the sentence. He would now refer to another case which occurred in the Union of West Bromwich, beside which the case at Lambeth paled. Upon an indictment for tampering with the voting papers, five agents were found guilty, and were sentenced to three months' imprisonment; and, upon an examination of the voting papers, it was found that 342 papers had undergone that scandalous process. A gentleman who had had great experience, and possessed full means of forming an accurate judgment of the working of the Poor Law system, and who was present during the investigation, had addressed to him (Mr. M'Cullagh) a letter on the subject, in which he expressed his opinion, that "wherever there was a sufficiently strong motive, it would be wholly impossible to prevent or effectually check similar practices." But supposing the papers escaped the dangers to which he had referred, he would ask what security was offered against fraud or negligence on the part of the collector? At Bridport, in 1854, forty-nine cases were established in which the collector had either failed to collect the papers or to preserve them, and the authorities declared the election void. At Bridgend, a rural district in Glamorganshire, a similar state of things had occurred, and the inspector found that the candidates themselves had obtained the voting papers, and distributed them so irregularly, that it became necessary to declare the election void. It was clear, too, that the voter might be deprived of the franchise by the irregularity or neglect of others, over whose acts he had no control. In the case of the Westbourn Union, proceedings were taken to set aside an election on the ground that the voting papers were served upon the wrong men; and in 1855 a similar error was committed in the Newent Union, where the owners of property instead of the occupiers were served; and in both of these instances the election was declared void. The greatest objection, however, to the proposal of the noble Lord was the facilities which it would afford for direct and palpable forgery. That objection the noble Lord had endeavoured to anticipate by saying that the publicity which would be given to any such cases would be a sufficient guarantee against their occurrence. But experience proved the contrary. The noble Lord had referred to the Leeds case of 1852. In a single ward it was found upon inquiry that 111 cases were tainted with forgery, and many of those cases were substantiated by affidavit. One would have thought that the publicity of one exposure would be sufficient to deter offenders. But what was the fact? In this very year the same thing occurred at Leeds, and sixty cases of forgery were detected. He would also call attention to the element of delay, which was a very important matter. The election took place at Leeds in April, 1852, and it was not until February, 1853, after two inquiries, that the election was declared void. If this principle of voting was applied to counties, he did not see why it should not be extended to boroughs also. Indeed a noble Lord in another place, in 1853, had brought in a Bill to have voting papers used in boroughs but not in counties, and he believed that it was the wish and intention of the supporters of this principle to extend it to all cases of Parliamentary voting. It was said that there existed a number of easy-going, rather supercilious people who would not, under the present system, take the trouble of going to the poll. Now, he could see no reason why these individuals should not enjoy the advantage of voting; but he thought the House was bound to consider the majority of electors and the purity of elections generally in preference to a minority composed of these egotistic persons. It was said that this was half-way to vote by ballot; on the contrary, in his opinion, it was at right angles to it. He thought that the present was a very inopportune time for asking for a Committee of inquiry, because it was impossible, from the lateness of the Session, that any good could result from it; and, on the whole, considering the unlikelihood of any sufficient or fair examination of the subject, the failure of the system connected with the poor law, and its utter inapplicability to Parliamentary contests, he felt bound to move the previous Question.

Whereupon, *Previous Question* proposed, "That that Question be now put."

MR. BOWYER seconded the Amendment.

VISCOUNT EBRINGTON said, that he had not intended to trouble the House, nor should he now had he not been alluded to by every preceding speaker. It was quite true that various abuses and frauds had taken place at the elections for poor law guardians under the present system of voting papers, but it appeared to him that the hon. Gentleman (Mr. M'Cullagh), while describing these frauds, had made out a clear case for inquiry into them. It would be easy to establish before a Committee of this House that most of these frauds arose from the cheapness and consequent inefficiency of the machinery employed under the poor law for the collection of votes. The police, who used most satisfactorily to collect the metropolitan voting papers, were now forbidden to do so. At present the returning officers were paid a very small sum for conducting the elections, and could not generally afford to pay the men they employed to collect the papers more than 2*s.* or 2*s.* 6*d.* for the day's work, but no rational man doubted that extra expense would give extra security against fraud. All this, however, was a question for a Committee, and he could not conceive a time for the deliberation of this Committee more appropriate than the present Session, so that the House and the country might be enabled to make up their minds as to the expediency of adopting some such plan as this in the Reform Bill which we were promised next year. This was not the only system of election under which abuses and frauds had taken place. The question was, under which system you would get the truest representation of the feeling of the electors. If by what might be termed a prohibitory duty of time and trouble you practically disfranchised from one quarter to one-half of a large constituency, it was worthy of consideration whether the putting an end to such a state of things was not cheaply purchased by some little extra liability to fraud. Since his return to the metropolis no less than three gentlemen connected with his borough, who all took an active part in parochial elections, had stated to him that the system of voting by voting papers was daily gaining in popularity here, from the experience gained by the working of the opposite plan under the Metropolitan Act; and for his own part, he hoped that the Motion of the noble Lord opposite, made at so seasonable a time, would be triumphantly carried.

Lord STANLEY, not entirely agreeing with any of the speeches he had heard, wished very shortly to express his opinion on the subject before the House. In the first place, he thought his noble Friend (Lord R. Cecil) had mixed up two questions which, in their nature, were wholly distinct—the voting at university and at county elections. Now, the case of an academical constituency differed from any other. In every other constituency the mass of voters were resident, while in the universities the mass of the voters were not resident. In the universities, again, you had to deal with a class of electors who, by the accident of their social position were not exposed to intimidation, and were free from all temptation to accept bribes. These circumstances, taken together, did, as it seemed to him, create an exception in the case of the universities, and if his noble Friend's proposal had been merely to apply the voting paper system to university elections he did not know that he could honestly have opposed it. When, however, his noble Friend extended his plan so far as to embrace the counties, he (Lord Stanley) was compelled to think that that plan either went too far or not far enough. He could easily understand why his noble Friend should distinguish the case of university from other elections, but he did not understand why a distinction was to be drawn between the case of counties and of boroughs. Granting that the area of counties was far more extensive and the population more scattered, this was an evil which might be remedied by an increase in the number of polling places; and if the principle were once laid down that every person to whom it was not convenient to attend personally at the place of voting should be enabled to vote wherever he might be then residing, he did not see on what principle of justice or expediency you could exclude that large number of non-resident voters who were always to be found among the inhabitants of seaport and mercantile towns. It was well known that at borough elections large sums were often spent in bringing up voters from a distance. But what were the abuses mainly existing in the case of elections? They were, as he conceived, the risk of rioting, of intimidation, of bribery, and of personation. As regarded rioting, he admitted that, to a certain extent, his noble Friend had some plea for his measure. He granted that a system of voting by papers would tend to diminish the number of persons gathered together in one place, and would consequently lessen the danger of disturbance. That danger, however, might be equally diminished by increasing the number of polling places; and after all, wherever there were nominations, wherever there were hustings, wherever candidates came to address their constituencies, there masses of men would be gathered together, often in a state of excitement, so that though this kind of legislation might diminish the temptation to riot, it would not altogether remove it. When he passed from this part of the question to the danger of intimidation, he confessed it appeared to him that this abuse would be infinitely aggravated by a Bill which should carry out the proposition of his noble Friend. What could be easier, under any system that could be devised of voting by papers, than for an employer of labour, or creditor, or person possessing, by whatever means, power over another, to go to that other person, being a voter, or to send an agent to him, and, in the interest of some candidate, to insist on the voter signing his voting-paper in his, or in his agent's presence? Supposing it to be admitted, then, that intimidation must exist under every system of open voting, it seemed to him that the proposition of his noble Friend was calculated not to diminish, but to increase that practice. And when he came to look at the effect of the proposition upon bribery, he thought that that evil would be increased in a still greater degree. At present, whenever bribery took place, one party or the other ran some risk of being deceived. If the bribe were given before the vote was given, there was a risk that the voter who had received it might not fulfil his part of the contract, while, if the bribe were promised to be given after the vote, the voter was exposed to the risk of losing that by the promise of which he had been corrupted. But the proposition of his noble Friend made the thing quite safe — the voter would receive his voting paper, sign it, receive his five-pound note, and then hand over the signed voting paper, so that the agent for the candidate would obtain, on the spot, not merely a promise —not merely security for the vote, but the vote itself. Next as to personation:—At present it was a difficult and a dangerous thing for a non-elector to personate an elector, or for one elector to personate another; he could not do it except by appearing in person at the poll, and he put himself thereby in peril of the law. It was evidently much easier to sign a paper and then put it into the post, or deliver it to the person waiting to take charge of it. It might be said that a person signing a paper in the name of a voter would be liable to a charge of forgery; but the forgery would be committed by a person unknown, there would be no clue to the guilty party, and, practically, he believed that it had been found, in elections under the Poor Law, that personation had gone on to a very great extent. But even if it had been shown, as it had not, that in Poor Law elections the system of voting by papers had worked satisfactorily, he should still refuse to admit that that afforded any guarantee that it would work satisfactorily in the case of Parliamentary elections. There was an immense difference between the amount of temptation in the one case and the other; and the difficulties of detail, moreover, would increase, to an almost incalculable extent, in the case of elections carried on on a scale so much larger. With respect to the particular Motion for a Select Committee, he thought that there would be great practical inconvenience in the attempt of carrying out such an inquiry. The Session would not endure probably more than two months longer; a great number of election Committees had to be appointed, and he did not see that it would be possible to give to this subject that full and complete investigation in the course of the present Session which its importance demanded. If his noble Friend would introduce a Motion restricting his proposition to university elections, he would give it his best consideration and might be inclined to support it, but he was persuaded that the plan would not answer in the case of any other constituency.

SIR FITZROY KELLY said, it appeared to him that the admission of his noble Friend who had just sat down, that the system of voting papers might be productive of benefit in elections for the universities ought to be conclusive in favour of the Motion of his noble Friend the Member for Stamford. Let him remind the House that his noble Friend did not propose to introduce a Bill, but that he asked their assent merely to the granting of a Committee, by which an inquiry would be made into a question of the highest and most general importance in relation to the election of Members of Parliament. He thought that they had only to call to mind the great evils which would be completely remedied if means could be devised for taking votes by voting papers in county elections, to induce the House to agree to the Motion for a Committee of Inquiry. In the first place, there was the *vexata quæstio* of the legality of allowing travelling expenses to voters; and if the investigations of the Committee should be attended with no other benefit than the setting of that one question at rest, it ought to be sufficient to induce the House to agree to the Motion. Let them see how that question was left now. It had been held by Lord Wensleydale, although no condition had been imposed upon the voter, on paying, or promising to pay, his travelling expenses, as to the particular candidate for whom he should vote, that such payment, or promise to pay, was illegal, and that if made by the candidate his election would be void. On an appeal to a Court of Error, the majority of the Judges arrived at an opposite conclusion. The decision of the Court of Exchequer Chamber was now about to be carried, by a writ of error, to the House of Lords, and until the decision of that tribunal should be pronounced, the state of the law on this important subject would remain so uncertain that no counsel could advise, and no Committee of the House could decide with confidence upon such a question if raised before them. That question would be at once and for ever set at rest if the votes were taken by means of voting papers. Beyond this, it must be remembered that the great bulk of the expense at county elections, amounting sometimes, when there was a contest, to many thousand pounds, would be altogether saved, if the votes were taken in the way proposed. Again, great and crying evils arose at all elections from the system of "treating," which the law hitherto had been quite inadequate to suppress; but if the votes were taken by papers, as proposed, it would be quite impossible, except by such a glaring and open violation of the law as few would resort to, that the system of treating could continue to be practised at elections in this country. Under these circumstances, he thought that it would be most unwise to refuse to take evidence before a Committee upon the details of this question, merely because it had been suggested that in some elections, by means of voting papers under the poor law, frauds and forgeries had been committed. That was in reality no valid objection to the Motion before the House. The hon. Gentleman who moved the previous question had referred to the Leeds and West Bromwich cases, but he (Sir F. Kelly) collected from his statement that wherever inquiries had been instituted into these forgeries there had been no difficulty in detecting them and in bringing the offenders to justice, so that it would be extremely easy to obviate the objections which had been urged, by an improved system of machinery, as applied to Parliamentary elections. Under the poor law, the important duty of leaving the voting papers at the houses of the electors and of collecting them after they were signed, had been entrusted to a class of persons who, from their station and from the mere accidental character of their employment, were unworthy of the confidence reposed in them, and were not competent to discharge the duties which they undertook. Nothing would be easier, however, than to provide the returning officer with adequate assistance—which might be furnished by the State at the ultimate expense, perhaps, of the candidates—for sending by post, accompanied by all necessary safeguards, the voting papers to the addresses of the electors; and then a mode might be devised by which the elector should fill up his voting paper in presence of a justice of the peace, or a commissioner for taking affidavits, or of some other trustworthy and honourable person. He would not enter further into the details of the matter, which would more properly be considered by the Committee; but, looking at the saving of money which the adoption of such a system would effect, and at the evils which it would cure, he was sure that the subject would be thought one worthy of inquiry. Indeed, the matter had been inquired into by a Committee, but that Committee was appointed at so late a period of the Session, that the inquiry was laid aside; but as the subject was now brought forward again, he trusted that the Government would advise the House to grant the Motion for a Committee to inquire into and take evidence upon it.

SIR GEORGE GREY said, the hon. and learned Gentleman supported the Motion because the noble Lord who proposed it did not ask for leave to bring in a Bill, but simply wished to have a Committee to institute an inquiry. Now, that was the reason which weighed with him (Sir G. Grey) most strongly, in inducing him to oppose the Motion. The question involved in it was one of no small magnitude, because, if the plan suggested was adopted, it would alter the law of elections with regard to counties and universities to a very great extent, not only in the mode of taking votes, but in the duration of elections. If, as was proposed, the votes of absent and non-resident voters were to be taken, time must be allowed for the purpose. A considerable period, for instance, would elapse before a voting paper could be sent to and received from a non-resident elector staying in the Orkneys or Shetland islands, or some other part of the United Kingdom far distant from the place where the election was to take place. But that was only one inconvenience which would arise from the adoption of the proposition. There were evils of far greater magnitude which had been mentioned by his hon. Friend the Member for Yarmouth (Mr. M'Cullagh), and the noble Lord the Member for King's Lynn (Lord Stanley). It would very much increase the facilities for fraud, and greatly diminish the security which was now given to *bonâ fide* voters. But without himself expressing any final opinion upon the question now, he thought it right to observe that it was one which the House ought to determine for itself, and which it ought not to devolve upon a Committee. Supposing a Committee reported, by a majority of one, or even by a large majority, that it was expedient that this change ought to take place, what effect would that have upon the House? The objections urged that evening against the change, would be urged again in the House; the question would be debated over again in the House, and not one Member would feel himself bound by the opinion expressed by the Committee, no—not even if it were unanimous. The House could not refer the question to the Committee without abdicating its proper functions. If it adopted the principle contended for by the noble Lord, and entertained doubts as to the best machinery for carrying it into operation, then there might be a fit subject for the inquiry of a Committee; but he understood that this Committee was to consider the whole question and determine whether it was expedient that the change should be made or not. The hon. and learned Gentleman (Sir F. Kelly) seemed to go further than the noble Lord. The noble Lord in making the Motion advocated his plan chiefly in respect to non-resident voters; but the hon. and learned Gentleman seemed to contemplate the use of voting papers in all cases in which votes were now given openly, and thus to abolish all those guards which the law had provided against improper voting. Now, he must say the gravest objections existed to a proposal of that kind. The hon. and learned Gentleman said, it would abolish all bribery and treating. Unless you abolished nominations, and assembling of voters for the purpose of expressing their opinions by a show of hands, he (Sir G. Grey) could not see how votes given by means of voting papers was a security against treating; and he thought it was very likely that, after the nomination, there would be the same temptations held out as at present to electors to come to public-houses, where, of course, attempts would be made to induce them to insert the names of particular candidates upon their voting papers. Although, however, he differed from the hon. and learned Gentleman, he was prepared to say that, if the noble Lord would, with the assistance of the hon. and learned Gentleman, who seemed to have all the requisite machinery ready in his mind, draw up a Bill showing how the evils which had been pointed out might be obviated in some safe and unobjectionable manner, he would assent to its being laid on the table of the House, for further consideration, but he was not prepared to vote for a Motion for referring to a Select Committee a question as to the expediency of making an important change in election law, and thus commit the House to the principle of this proposition.

Mr. F. H. BERKELEY trusted that no hon. Member would imagine that this proposition of the noble Lord was a measure of Reform, or even an instalment towards Reform. It was just such a measure as that passed by the late Parliament under the title of the "Corrupt Practices Prevention Bill." That Act had proved a perfect *ignis fatuus*, and this was a proposal of a similar sort. He must, however, congratulate hon. Gentlemen opposite on the new sort of feeling which had risen among them. At the present moment there was some approach to the footpath of Reform to be seen on their side of the House. They seemed to him like timorous bathers standing at the outside of a machine, just wetting a foot but afraid to plunge in. Hon. Gentlemen would have to make the plunge, but this Bill was a mere puddle, and not the wholesome sea into which he would have them jump. He trusted that, as the feeling of the House seemed to be so much against this proposal, the noble Lord would withdraw his Motion.

Lord JOHN MANNERS could not agree with his noble Friend that the evils of which he complained could only be remedied by the plan which he had proposed. On the contrary, there were many other remedies suggested, and he himself had in his pocket a very ingenious plan which, if this subject were referred to a Select Committee, he should like to see fully considered. Having heard that the Government would not support the appointment of this Committee, and considering the state of public business, he hoped that his noble Friend would not press his Motion to a division.

Lord ROBERT CECIL said, that as he understood no one would, on principle, object to taking votes by papers if the details could be so arranged that no mischief would arise from such a plan; therefore it was obvious that all which the Committee for which he asked would have to consider would be a question of detail. But knowing how undesirable it was that any Member on that side of the House should press a measure in the teeth of Her Majesty's Government, he should take the course which had been suggested by the right hon. Gentleman the Home Secretary. He would, with the permission of the House, withdraw this Motion. He believed it would be more satisfactory to proceed by a Bill which he hoped at some future period, with the assistance of his hon. and learned Friend the Member for East Suffolk, to submit for the approval of the House.

Previous Question, and Motion, by leave, *withdrawn.*

BOARD OF TRADE.

SELECT COMMITTEE MOVED FOR.

Mr. HORSFALL then rose to move, that a Select Committee to inquire into the origin, the past and present constitution, and the powers and duties of the Board of Trade, with a view to its better adaptation to the requirements of the country. He said, that he wished to express the deep sense he entertained of the difficulties of the duty which he had undertaken, and to disclaim being actuated by any personal or party feeling, or by any intentional disrespect or hostility to the noble Lord who presided with so much courtesy over the Board of Trade, or towards the right hon. Gentleman the Vice President of the Board. He was happy to admit at once that the Board of Trade was not a sinecure Board. His complaint, on the contrary, was, that it did too much. Its duties were too numerous, too varied, and too complicated, to admit of their being satisfactory and efficiently discharged. Before going into the main question, perhaps he might be permitted to glance briefly at the history of the Board. It was in 1636, that the first Board of Trade was appointed, in the time of Charles I. In 1655, Cromwell reconstituted the Board, and appointed his son Richard at its head. It then was composed of certain Lords of the Council and twenty merchants, summoned from various parts of the kingdom, Liverpool being then too insignificant to have a representative upon it. After the death of Cromwell, during the reign of Charles II., and in the year 1660, another alteration took place, and it was divided into two boards — one the Board of Foreign Plantations, and the other the Board for the Superintendence of Commerce. Those two departments were again united in the year 1672; but fresh changes were made in its constitution in 1696, and again in 1699, the principle, however, upon which it was formed remaining nearly the same until 1780. It then became very unpopular; and there being a general conviction that the Board was wholly unnecessary, Mr. Burke in that year introduced a Bill which, amongst other objects, proposed to provide for the abolition of the Board of Trade. This proposition led to a very animated debate, in a full House, when the clause for abolishing the Board was carried by 207 to 199. The observations of Mr. Burke on that occasion were so pertinent to the question then before the House that he hoped he might be allowed to quote a few of them. Mr. Burke said,—

". . . . I speak, Sir, of the Board of Trade and Plantations. . . . . I have known that Board, off and on, for a great number of years. Both of its pretended objects have been much the objects of my study—if I have a right to call any pursuits of mine by so respectable a name. I can assure the House, and I hope they will not think that I risk my little credit lightly, that without meaning to convey the least reflection upon any one of its members, past or present, it is a Board which, if not mischievous, is of no use at all. You will be convinced, Sir, that I am not mistaken if you reflect how generally it is true, that commerce, the principal object of that office, flourishes most when it is left to itself. Interest, the great guide of commerce, is not a blind one. It is very well able to find its own way, and its necessities are its best laws. . . . . In the reign, indeed, of Charles I., the Council or Committees of Council were never a moment unoccupied with the affairs of trade; but even where they had no ill-intention (which was sometimes the case), trade and manufacture suffered infinitely from their injudicious tamperings. But since that period, whenever regulation is wanting (for I do not deny that sometimes it may be wanting) Parliament constantly sits, and Parliament alone is competent to such regulation. We want no instruction from Boards of Trade or from any other Board; and God forbid we should give the least attention to their reports. Parliamentary inquiry is the only mode of obtaining Parliamentary information. There is more real knowledge to be obtained by attending the detail of business in the Committees above stairs than ever did come or ever will come from any Board in this kingdom, or from all of them together."

But, notwithstanding that division, the mercantile interest of that day, like the same body at the present day, were anxious, not for the abolition, but the re-constitution of the Board. He admitted that that Board had, in many respects, done good service to the country, and that it had been presided over by many eminent persons, both in that and the other House. What he wanted to direct the attention of the House to was, the constitution of the Board. He would not enter into the question whether the Archbishop of Canterbury and the Bishop of London were or were not now members of that Board, though he believed they were not very long ago. But he would accept the definition of the Chancellor of the Exchequer, who, when speaking of savings banks, said that he would have nothing to do with the honorary Commissioners, he was the only responsible party—that the President of the Board of Control was the responsible Member of that Board; and that the responsible parties at the Board of Trade were its President and Vice President. The first point which presented itself was this:—What were the duties which the Board of Trade had to discharge? It had been truly said by Mr. Thomas, of the Record Office, that the duties of the Board of Trade were of the most miscellaneous character. It was their duty to advise the Colonial Secretary on questions affecting the commerce of the Colonies; to advise the Lords of the Treasury on matters affecting the Customs and Excise; to communicate with the Foreign Secretary on commercial treaties;

to supervise every Order in Council; to report on every local Bill, including every Dock Bill and every Railway Bill for the guidance of Parliament; to superintend generally agricultural statistics and those of the corn trade, of commerce and navigation, and of railways; to attend to the Department of Science and Art at Marlborough House, to the Mining Record Office, to the Geological Survey of the United Kingdom, the Museum of Irish Industry, the Registration of Designs, the Metropolitan Water Supply, the Coal-whippers Office, &c. And if the duties which the Board of Trade had already to perform were not sufficient, in order to make the list complete, he would suggest that the duties consequent on the passing of the Medical Bill, the Industrial Schools Bill, and the Aggravated Assaults Bill should devolve upon that Board. He believed that it was impossible for any Board to attend to duties so multifarious and various in a manner to satisfy the public; and, in point of fact, the body to which his Motion related certainly had not conducted the affairs entrusted to it satisfactorily, either to the commercial or to the other interests of the country. He would advert, in proof of this, to the feeling of dissatisfaction which prevailed with respect to their administration of the Merchant Shipping Act, 1854. Meetings were now being held, and petitions were being sent up from every seaport, complaining of that Act, and of the manner in which its provisions were carried out. In 1850 the present Secretary of State for the Colonies (Mr. Labouchere) introduced a Bill on this subject, which recognised the great principle of local self-government, in opposition to that of centralization, by giving local Marine Boards to the principal ports in different parts of the kingdom. On these Boards devolved the duty of inquiry into the cause of wrecks, and the misconduct of merchant captains or officers, and generally into the cause of casualties at sea. He spoke from the experience which he had had as a member of the local Marine Board at Liverpool, when he said that no Boards could have worked better than those thus constituted, or have given more general satisfaction. But when Mr. Cardwell introduced the Merchant Shipping Act of 1854, for which he obtained deserved credit, he made some few mistakes, and amongst them was the clause by which he transferred the power exercised by these Boards to two justices or a stipendiary magistrate. The result of this step had been to create the greatest dissatisfaction amongst the mercantile marine. And he could with confidence ask the House to compare the constitution of the local Marine Board with the tribunal to which the matters in question were now referred. By the Act of 1850 the local Board consisted of six shipowners elected by the shipowners of the port, and of four merchants or shipowners appointed by the Government, and they had the advantage of the legal advice of the stipendiary magistrate, of the presence of the examiner of seamanship—a merchant captain of great ability, appointed by the Board of Trade—and of the scientific examiner in navigation. He thought it would have been impossible to appoint a more efficient tribunal for the purpose for which it was instituted. How much more satisfactory was this than the appointment of two magistrates, who might not know the mainmast of a ship from the bowsprit. To remedy this, it was true that the Board of Trade appointed a naval assessor—but this provision was far from giving satisfaction. Mr. Cardwell, when the Act in question was passing through the House, told him (Mr. Horsfall) that the powers proposed to be given by it were merely permissive. Now, if they had not been exercised no complaint would have arisen. It was because they had been exercised that they had created such general complaints amongst the general body of merchant captains, 25,000 in number. He should, indeed, be told that but few cases had been transferred to the tribunal of which he complained. But those cases were the most important ones which were thus taken from a competent tribunal, the local Marine Board, and transferred to what was considered an incompetent, stipendiary magistrates, assisted by a naval officer. Now, he should not be suspected of saying anything disrespectful of the officers of the navy when he contended that a naval officer was not, under the circumstances, the fittest man to judge of the conduct of captains of the merchant service in critical emergencies. He did not know the circumstances in which they were placed, or the difficulties with which they had to contend. A naval captain went to sea with officers, and a crew whom he knew, but a merchant captain had under him twenty or thirty men, all strangers. Was it to be wondered at, then, that a naval captain should carry his ship, under such circumstances, through a gale of wind, while a merchant captain lost his? Was it to be said that that was owing to negligence or carelessness on the part of the merchant captain? What the merchant captains contended for was, that they should be tried by their peers in cases of misfortune or misconduct, as the officers of the navy were. Now, the local Marine Boards had amongst its members merchant captains. The navy were tried by their peers — why should not the merchant service? He thought the former therefore had great reason to complain of the manner in which the Board of Trade had exercised these permissive powers entrusted to them by the Merchant Shipping Act, by appointing an incompetent and unjust instead of a competent and just tribunal. But this was not all. The Board of Trade, not content with discharging the duties imposed on them by the Legislature, had systematically grasped at every possible extension of their jurisdiction. Thus, under the 148th section of the Merchant Shipping Act, the owners of any vessel that was in distress or lost were obliged to make a return to the Board, giving the name and description of the owner and of the ship, a statement of her cargo, of the ports from and to which she was bound, of the occasion of her being in distress, and of the services rendered in her salvage. That was all very proper, and though he should have imagined that information to be sufficient; the clause went on to say, "and such other matters on circumstances relating to such ship, or to the cargo on board the same, as the receiver or justice think necessary." Would the House believe that, under these words, the Board had applied to owners whose vessels had been lost or gone ashore for a statement whether she and the cargo were insured or not; and if the former, the amount of the insurance, where the insurance was effected. There is nothing in the section he had referred to to justify such a demand, which was most unjustifiable in its character, and calculated to inflict serious injury either upon the merchant or the underwriters — more especially when it was recollected that the information thus directed to be sent to the Board of Trade was not to be confined to them, but was to be posted up at Lloyd's. Now, what mercantile man would like to have it posted at Lloyd's that he had lost £50,000 or £60,000 uninsured; or, in case of insurance, what underwriters would like to be posted as liable for that sum? In one case, a person who had been asked for this information had been advised to tell the Board of Trade, by way of answer, to mind their own business and that he would mind his; and such an answer, in more courteous terms, was returned. There were, in fact, constant complaints of the interference of the Board of Trade in all directions. When he served upon the local Marine Board at Liverpool no differences took place between them and the Board of Trade. The business entrusted to them was conducted harmoniously and successfully. But of late the interference of the Board of Trade had reached such a pitch that the whole of the members of the local Board of Trade had resigned their seats. Those gentlemen served the public gratuitously, and with the utmost assiduity and integrity, but they were constantly thwarted by the Board of Trade. Since he gave notice of this Motion, the late chairman of the Liverpool Board wrote to him in these words:—

> "Although the Board in London did on all occasions concede in the end our recommendations, it was generally the result of long, wearisome, unnecessary correspondence."

A great number of cases had been brought to his notice in which masters of ships considered they had been hardly dealt with, and in others it was complained that the action of the Board of Trade had not been sufficiently stringent. In the latter cases he believed, however, that the Board of Trade had acted strictly in accordance with the letter of the law. In one instance the licence of a captain who was a notorious drunkard had been renewed, after he had been absent from the country for three years, because the owners of his vessel were unable to obtain *vivâ voce* evidence of his habits, and they could not proceed upon written evidence. In that case he believed the Board had no alternative. He (Mr. Horsfall) agreed entirely with the observations of Mr. Burke as to the functions of the Board of Trade with reference to reporting upon local Bills. He thought it was inconsistent with proper legislation that a Board—or, rather, one or two individuals—should, without hearing any but *ex parte* evidence, be allowed to send to Members of Parliament, who were to sit as jurors to consider the merits of private Bills, reports which were in favour of or opposed to those Bills. Such a system he regarded as altogether inconsistent with the principles of the British constitution. He would not enter into the question of local dues. It had been said that he meant to take occasion in bringing forward his Motion, to refer to the subject of local dues; but he could assure the right hon. Member for Kidderminster (Mr. Lowe) that he did not intend to make the slightest allusion to that subject. He might state, however, that there were hon. Gentlemen on both sides of the House who were opposed to him on the question of local dues, but who meant to support the present Motion. He could not help taking that opportunity of referring to one measure, the Birkenhead Docks Bill, which was at present under the consideration of a Committee. Hon. Gentlemen could have no conception of the obstructions which had been thrown—many of them, he feared, by Committees acting upon the recommendations of the Board of Trade—in the way of constructing docks at Liverpool and Birkenhead. For want of sufficient dock accommodation at those places vessels were kept waiting not only for days, but for weeks, before they could discharge their cargoes. It was not Liverpool alone that suffered from this state of things, but the whole trade of the country and the Public Exchequer were also affected. A very long Report had been made by the Board of Trade with reference to the Bill to which he alluded, and he would read a paragraph from that document:—

> "As regards the first of the above Bills, involving, as it does, nautical and engineering questions, my Lords have only to observe, as they observed last year, that the plans to be adopted should be such as to meet the wants, not merely of the town of Liverpool, but of all persons in the country who are interested in the trade of the Mersey. They think it the more important to make this observation, since the Admiralty, who in general report on all questions of this kind on behalf of the public, have not done so of late years, in consequence, it is believed, of the creation of the Mersey conservancy."

But there was a singular censure passed upon the Board of Trade by the Admiralty, who said, with reference to this Bill:—

> "It appears from the plans and sections transmitted to the Admiralty that the subject of giving every facility for vessels of all classes to dock and undock, and of affording every accommodation to the trade, has been well and deeply considered by the engineers of the corporation, and as regards the docks and their entrances their Lordships have no objection to make. With respect to the further accommodation to shipping so much wanted in the Mersey, their Lordships consider it would be highly desirable that works on which so much time and money had been spent, should now be carried out and completed, and that the corporation of Liverpool, who ought to be the best judges of the requirements, and who have the greatest interest in the outlay, should be permitted to complete works which have remained so long in abeyance."

He hoped the hon. Baronet the Chairman of the Committee on the Birkenhead Docks Bill and the Members of that Committee would recollect the Report of the Board of Admiralty as well as that of the Board of Trade. He did not think the House could have any conception of the loss which resulted to the trade of the country, and to the public revenue, from the want of dock accommodation at Liverpool. He might illustrate this point by reference to what occurred on another. In 1835 there were only 110 landing waiters at Liverpool. Representations were made to the Board of Customs that vessels could not get landing-waiters, but the answer was that Liverpool had landing-waiters enough, and that no addition would be made to the number. For ten years these representations were continued without any effect, although in that time the trade of the port had increased 60 per cent. He begged to say, that this was at the period when Mr. Dean and not Sir Thomas Freemantle was Chairman of the Board of Customs. The consequence was, that vessels were detained a fortnight or three weeks waiting for a landing-waiter before they could be discharged, at a great loss both to the merchant and the Government. So great was the grievance, that American captains stated the matter to the owners of their vessels, and representations came over from America, complaining that their captains and ships were often detained in the Liverpool docks waiting for a custom-house officer a longer time than it took them to make the voyage across the Atlantic. A committee was then appointed at Liverpool, who drew up a statement showing that the loss to the trade of Liverpool and Manchester and the manufacturing districts amounted to several hundred thousands of pounds annually from the detention of the outward and homeward ships and cargoes. A representation embodying these facts was then presented by a deputation to Sir Robert Peel, who was much surprised by the facts they detailed to him, and said, "This matter, gentlemen, shall have my personal attention." And although for ten years nothing had been done, in six weeks from that time Sir R. Peel had put on fifty-six additional Custom House officers, of whom twenty were landing-waiters. If the House would consent to a Committee, he hoped that, on receiving its Report, the noble Lord (Viscount Palmerston) would make them the same promise with regard to the Board of Trade—that he would give the matter his personal attention—and then he was sure that he would reconstitute it, and that after that reconstitution, instead of being, as now, an obstruction to trade, it would be the means of a great increase, both of the commerce and of the revenue of the country. It was not for the sake of Liverpool alone that he pleaded, but of the country generally, whose commerce was coming to a dead lock for want of the necessary dock accommodation, the provision of which had been impeded by the reports and interference of the Board of Trade. He next came to the subject of the Returns with respect to the corn trade published under the authority of the Board of Trade. It was his impression that those Returns were not accurate; but he should not have ventured on his own authority alone to hazard an opinion on this point. He had, however, received a letter from the chairman of the Liverpool Corn Association, enclosing the following resolution of the Committee of that body passed yesterday upon this subject:—

> "Resolved,—That the official Returns of grain are generally regarded by the corn trade throughout England as utterly worthless for any statistical purpose, and since the repeal of the Corn Laws these Returns have had no other use. Such a statement is strongly instanced by the fact that in or about June, 1855, it having become desirable that the quantity of British corn actually brought into the home market, as indicating the probable stock remaining in the hands of the farmers, should be accurately estimated, the Board of Trade Returns were examined in the belief that as they had been uniformly taken for some years past they might be found to be useful. Upon such examination it was observed that the buyers had of late been making few Returns, and a circular was immediately issued to the local inspectors, which had the effect of producing a very large increase in the number of Returns made by the buyers, showing at once the fallacy of previous Returns as a ground of calculation, or of accuracy as regards statistics in any shape."

The following was the opinion of the president of the Liverpool Agricultural Society. It was contained in a letter which he had received from that gentleman two or three days ago:—

> "I am decidedly of opinion that any system of agricultural statistics worked by the Board of Trade, constituted as it is, would be of little or no practical value. Even the Scotch statistics, creditable as they are to those who have got them up, command little or no confidence in the corn-dealing world. Mr. H—— farms some 3,000 acres in Scotland, and as a contributor to the figures, and knowing well how they are obtained, places no reliance on the result."

Thus much for the corn statistics of the Board of Trade. He should next call the attention of the House to a subject in which those who were connected with the landed interest were deeply concerned—he alluded to the supply of guano, and he should read upon that subject the opinion of the chairman of a committee of the Liverpool Chamber of Commerce, who was perfectly unprejudiced in the matter, and who could not be supposed to be actuated by any unkindly feeling towards the Board of Trade. That gentleman said:—

> "You will, doubtless, remember accompanying a deputation from this chamber to the Board of Trade, in 1854, on this subject. In this neighbourhood the monopoly of the guano of Peru has always been deemed evidence of a gigantic blunder on the part of the Government, and we suppose of the Board of Trade. This will not be forgotten as long as that supply exists, and is so locked up. And lately, when the Kuria Muria Islands were found and granted to the British Government, we hoped that some official effort would be made to repair that mistake. On the contrary, we see another monopoly created, and in a way that puzzles as well as annoys us. The Emigration Commissioners, who seem to be subordinate to the Colonial Office, and to have nothing to do with guano or with trade, make a grant of the islands to a private firm, the value of which is already currently estimated at a million sterling. We do not blame Messrs. Ord, Hindson, and Co. They seek profit and have found it, and there is no dishonesty in asking for such a grant. But we do think a department of Government, taking upon itself the control and management of our trading relations with Foreign Powers, should have used a little more vigilance on behalf of the public—the buyers of this guano—and through them of the nation at large."

Now, it had been his duty in conjunction with the chairman of the Shipowners' Association of Liverpool to wait upon the Secretary for the Colonies upon the subject referred to in that document, and he was bound to say that the right hon. Gentleman had evinced the utmost desire to facilitate the attainment of the object which they had in view. The result had been that the Shipowners' Association, as the representatives of the shipping interest of the United Kingdom, had agreed upon certain terms with the representatives of the lessees of the islands in question, which they had submitted to the Secretary of the Colonies for approval. He had very properly referred those terms to the Board of Trade, that they might pronounce their opinion with regard to them; and in order that the House might understand exactly how the matter stood, he (Mr. Horsfall) might briefly state the nature of the terms of the arrangement, as well as the answer which had been returned upon the part of the Board of Trade. The terms of the arrangement set forth that the trade in guano was to be confined to importation into the United Kingdom; to be open to all parties on payment of £1 per ton and the royalty of 2*s.* per ton for the first year, and 4*s.* per ton for the second and subsequent years, and that all parties were to be treated alike upon the basis of the terms, without any partiality. When he had transmitted those terms of arrangement to the Secretary for the Colonies, he had taken the liberty of suggesting that, as no duty was payable on Peruvian guano, the Government ought to relinquish the small royalty of 2*s.* and 4*s.* which they claimed. Now, if such a proposition were made to the Chancellor of the Exchequer, he could very well understand his replying to it in the negative, but he could not quite so well comprehend why the Board of Trade, whose duty it avowedly was to protect and promote commerce, should refuse to accede to it. Such, however, had been the case, and not only had the proposition been negatived, but it had been put forward as an excuse for its rejection, that it would tend to create a monopoly upon the part of the Liverpool shipowners, notwithstanding the terms of the arrangement were so explicit upon that head, that it was impossible any person of common sense could have made a mistake as to their meaning. The following was the letter in reply, addressed to the right hon. Gentleman the Secretary for the Colonies:—

"Office of Committee of Privy Council for Trade, Whitehall, April 14, 1857.

"Sir—I am directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 3rd instant, enclosing for the opinion of their Lordships a letter from Mr. Horsfall, which accompanied the copy of an agreement recently entered into between the Shipowners' Association of Liverpool and Messrs. Hindson and Hayes, on behalf of the licencees of guano in the Kuria Muria Islands.

"My Lords direct me to state, that in their view of the policy to be observed with regard to these islands, the object of Her Majesty's Government was to secure for the benefit of agriculture in the British territories the deposits of fertilizing material which they have been represented to contain; and that, by throwing open to shipping in general the carriage of that article, its supply would be ensured to these countries on the most advantageous terms.

"Their Lordships cannot but apprehend that any special agreement between the agents of the licencees and a section of the shipping interest of these kingdoms, confined to a single port, is inconsistent with the wider interests involved; and that any favour or advantage shown directly or indirectly to one association of shipowers, as it must necessarily be to the prejudice of the rest, would ultimately react on the interests of agriculture.

"For this reason, my Lords are of opinion that Her Majesty's Government cannot recognise an agreement such as that which has been submitted by Mr. Horsfall; looking, as they must, to see all shipping embarked in the trade treated on a footing of perfect equality.

"As to the other suggestions of Mr. Horsfall, that inasmuch as there is no duty on the importation of guano from Peru, Her Majesty's Government should forego the small payment in the shape of a royalty, payable on guano from the Kuria Muria Islands, my Lords have only to observe, that they are not prepared to recommend a compliance with the application.—I am, &c.,

(Signed) "J. EMERSON TENNENT.

"H. Merivale, Esq., &c."

The House would recollect that what the association asked for, was not, as represented in this letter, any advantage for "a section of the shipping interest;" but a measure which it conceived would promote the general interests of the British shipping. And, accordingly, this letter was written to the Under Secretary of the Colonial Department, by whom the reply of the Board of Trade had been forwarded to the association:—

"Shipowners' Association, Liverpool, May 17, 1857.

"Sir—Mr. Horsfall having forwarded to the Committee of the Liverpool Shipowners' Association your letter of the 17th ult., together with a copy of a letter of Sir J. Emerson Tennent, containing the views of the Lords of the Committee of the Privy Council for Trade, with respect to the terms of arrangement between the Committee of the Association and the representatives of the lessees of the Kuria Muria Islands, to form the basis upon which the guano trade at those islands should be carried on, I have been requested to inform you that the same have been taken into consideration by the Committee of the Association, and the Committee regret to find that there has been a great misunderstanding on the part of the Board of Trade of the character of the interference by the Association in this matter, and the object of the terms of arrangement.

"The shipowners constituting the association are associated for the purpose of promoting the general interests of British shipping, and not of promoting any private interests of themselves, as a body, or of its members, and their interference in this question was entirely on public grounds.

"In a very early stage of the question of the supply of guano from these islands, and as soon as the lease to Captain Ord and others became matter of discussion in Parliament and elsewhere, this association, through their Chairman, Mr. Graves, and Mr. Horsefall, M.P., had communications with Mr. Labouchere, and in the course of those communications it was considered that this association might be of service in arranging with the lessees in Liverpool some terms of a general character upon which the trade at the islands might be carried on, such terms being for the benefit of shipping in general, and for the promoting of the great object in view—namely, that of obtaining an increased supply of guano to this country on the most advantageous terms, and the association had not the most remote idea that the terms which they arranged with the lessees, and a copy of which was immediately laid before Mr. Labouchere, would be construed into a 'special agreement' between the agents of the licencees and a section of the shipping interests of these kingdoms, or that it would be considered that any 'favour or advantage' was to be obtained thereby, directly or indirectly, to the association.

"The Committee would beg to point out that the first article of the terms provides that the trade is to be 'open to all parties;' and by the sixth article 'all parties are to be treated alike,' and they would have supposed that by such expressions as these it was apparent, on the face of the terms, that they were not entered into for the exclusive benefit of the association, as a body, or of its individual members.

"The Committee can only suppose that the misunderstanding by the Board of Trade of the object of the terms of arrangement must have arisen from their not having been acquainted with the communications and interviews which had previously taken place between Mr. Labouchere, Mr. Horsfall, and Mr. Graves.

"With regard to Clause 3 of the terms—namely, that the licences should be granted only through the lessees at Liverpool, the Committee would observe that this was a stipulation insisted upon by the lessees, and that the Committee considered it one with regard to which they could not interfere, as it was a matter of detail in the carrying on by the lessees of their business in this country.

"I have been further requested to mention to you that a rumour is prevalent that some parties contemplate obtaining guano at the islands, and clearing there for the Cape of Good Hope, and at that place obtaining fresh papers enabling their ships to proceed with the guano to foreign countries; and the Committee deem it right to call the attention of the Secretary for the Colonies to this rumour.

"I have the honour to be, Sir,
Your obedient servant,
(Signed) "James Smith, Deputy Chairman.
"H. Merivale, Esq., Under Secretary,
Colonial Department."

But there was also another department under the superintendence of the Board of Trade—he alluded to our railways. The House was aware that a very wise and proper provision existed, in accordance with which it was necessary before any railway was opened, that a competent engineer should be sent to inspect it, and to report upon its construction. But was that provision, he would ask, complied with? He should confidently answer that question in the negative. Competent persons were not sent by the Board of Trade to inspect the new lines of railway, and in proof of that he might adduce one instance which, he thought, would clearly establish that the view which he took upon the subject was correct. He held in his hand the report of an engineer—Mr. G. P. Bidder—which was addressed to the Chairman and Directors of the Norfolk Railway Company, and which went back as far as the year 1849,—and came down to the year 1856—the former was of course a period at which the right hon. Gentleman the present Vice President of the Board of Trade was not responsible for anything which might have taken place in connection with the department. He should, with the permission of the House, read a few extracts from the Report—

"In 1849 the Government Inspector reported to the railway department of the Board of Trade that the Torksey viaduct and bridge over the River Trent, on the Manchester, Sheffield, and Lincolnshire line of railway, was insecure, and 'could not be opened with safety to the public.' The Government Inspector required additions to be made to its strength, which the engineer of the railway declared to be unnecessary, and which he refused to recommend the railway company to make. After three months' correspondence and delay the Board of Trade consented to certain experiments being tried before the Government Inspectors, in order to ascertain the strength of the bridge. These experiments took place on the 28th March, 1850; and on the 6th of April the Board of Trade informed the directors of the line that they had 'reconsidered' the propriety of allowing the line to be opened, and were willing to allow it to be used. It has been used from that day to the present time without a single accident—thus demonstrating that it is not 'inspection' but experience' that alone can demonstrate what is strength and what is weakness.

"In the same way, the railway department of the Board of Trade refused, on the report of their inspectors, to allow the opening of the line from Waterloo Station to Vauxhall on the South-Western Railway, on account of the assumed insufficient strength of the bridge which spans the Westminster-road. After considerable delay, the line was allowed to be used without the bridge being strengthened. The whole traffic of the line had ever since passed across that bridge without a single accident, or threat of one.

"These facts and instances illustrate the conclusion that in reporting the bridges and viaducts of the Eastern Counties Railway as in 'a dangerous state of decay,' and in laying down the principle that wood cannot be considered 'a safe material for railway structures,' Lieutenant Colonel Wynne has embodied in an official Report statements which neither experience nor reason justify. And they further appear to indicate that the railway department of the Board of Trade is in the habit of receiving from its inspectors reports and representations of a character calculated to excite needless alarms, and that it is also in the habit of assuming, upon those Reports, a false position, from which, sooner or later, it is obliged to recede."

In another part of the same Report was this statement—

"In order to inquire and report satisfactorily respecting a railway it is necessary that the inspectors should be persons of enlarged experience, accustomed not only to the construction of railways, but to their daily use. In the present, and in other cases, the Reports to the Board of Trade upon railways, their working, and their condition, have been made by a gentleman who has never himself been engaged in the construction of a single mile of railway or of a single bridge, who practically knows nothing about either, and whose only source of practical acquaintance with the subject on which he so strongly reports is that practice of inspection of new railways which for all useful purposes every civil engineer knows to be valueless and absurd. When we remember that with a host of eminent officers of engineers employed in the Crimea, her Majesty's Government nevertheless thought it proper to entrust practical civil engineers (the principal of whom was engaged in the construction of your line) with the duty of laying down six miles of railway from Balaklava to the heights, it certainly does appear not a little anomalous that that Government should think it proper to commit the inspection of the railway works of practical civil engineers to men of the very class to whom they could not commit their construction!"

A great variety of cases had been submitted to him, in which the Board of Trade had interfered too much, and others in which they had interfered too little, but he would not go into them, nor would he go into local grievances; but he would just state, that when the Chamber of Commerce at Liverpool applied to the Board of Trade to introduce a Bill, to amend the laws relating to prices of landing, they were told to get their own Members to do it, and when he introduced it they struck out the most important clauses. He would just also remind the right hon. Gentleman the Vice President of the Board of Trade that when the commercial interests of the country wished to introduce a clause into the Joint-stock Company's Act relative to the official liquidations, the Board of Trade opposed the proposal, and induced the House to reject it. That clause was in principle inserted in the Bill in the House of Lords on the Motion of Lord Brougham. He had sufficiently shown, he thought, that the Board of Trade, as at present constituted, was not fitted to discharge the duties which were imposed upon it, and did not give satisfaction to the country. Without any disrespect to the House of which the noble Lord at the head of the department was a Member, or to the profession to which the right hon. Gentleman the Vice President belonged, it was the universal feeling of the commercial community that a peer and a lawyer were not exactly the persons to preside over the commercial interests of the country. Had he deemed it necessary he might have occupied the time of the House at much greater length in detailing his reasons for making this Motion; but he had stated enough to justify him in so doing. He felt that he might appeal with confidence to the representatives of the commercial, manufacturing, agricultural, and railway interests for support. But he preferred appealing rather to the candour of the noble Lord at the head of the Government and to the justice of the House of Commons to grant him this Committee, for which he now begged to move.

MR. BASS seconded the Motion.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the origin, the past and present constitution, and the powers and duties of the Board of Trade, with the view to its better adaptation to the requirements of the country."

MR. LABOUCHERE said, that he had listened to the speech of the hon. Member with considerable surprise, and he must add that he had felt some degree of astonishment when he saw a notice put on the paper by a gentleman, himself a merchant of high character and experience, and representing a commercial community like that of Liverpool, which amounted to an arraignment of the whole constitution of a great department of the Government, having under its especial care the mercantile interests of this country. He (Mr. Labouchere) had, at least, expected that under such circumstances the hon. Gentleman would have prefaced and justified his Motion by the exposition of large and comprehensive views on this subject, by statements which would have led the House to believe that the Board of Trade, if differently constituted, might have produced more satisfactory results, and, above all, by pointing out, by reference to its history for some years past, how completely that department had failed to discharge the duties for which it was created. But the House he thought would agree with him when he (Mr. Labouchere) affirmed that the hon. Gentleman's speech was almost entirely composed of details of local quarrels and grievances, of the complaints of his constituents and the constituents of other hon. Gentlemen against the Board of Trade—complaints which, if they were all true, only proved that the Board of Trade had acted wrong in those particular cases, or that the law under which it had acted required amendment; but which certainly furnished no ground why that department should be arraigned before a Committee with a view to its entire reconstruction. But were the complaints of the hon. Gentleman against the Board well founded? The history of the department for the last few years was intimately connected with the history of the country. Beginning from the time of Mr. Huskisson, a struggle had been going on for the liberalization and improvement of our commercial system, in which the Board of Trade had borne a conspicuous and honourable part; several of the most important measures originated by Mr. Huskisson had been carried into effect by the successive Ministers who presided over that department—indeed it was not too much to say that the aid which it had given to the passing of the various measures by which our trade and commerce had been freed from all those shackles with which it had been formerly encumbered had been of the utmost advantage to the community. The hon. Gentleman had not explained very clearly in what manner he proposed to reconstruct the Board of Trade, but he appeared to object to its being placed in the hands of any persons who were not intimately and practically connected with commercial pursuits. It would ill become him not to speak with the highest respect of the merchants of this country, but he held, and the opinion had always been held in that House, that the functions of the Board of Trade should never be entrusted to the hands of any man directly and personally engaged in any branch of the trade of this country. He remembered that when Mr. Poulett Thomson, afterwards Lord Sydenham, was appointed Vice President of the Board of Trade, the first question asked in that House (by the present Lord Lonsdale, if he remembered aright) was, "Have you given up all connection with the mercantile house in which you had a share?" That had always been the principle, and a very valuable and important principle it was, and one which he hoped would never be departed from. For what were the functions of a Minister of Trade in this country? It was his duty to take a large and impartial view of the interests of trade, not only as between the persons engaged in particular branches of trade, but also as to the relations of that trade with the community at large. The questions of trade with which he had to do did not interest traders alone, but the whole community. Those interests were doubtless identical in the end, but it might happen that for a time they were at variance, and it was of the utmost importance that the Minister of the Crown who presided over this department should be independent of any branch of trade. He would appeal to the House whether this country had suffered from the adoption of that rule. There was, of course, no reason why a merchant formerly connected with, but not actually engaged in commerce, should not be appointed President of the Board of Trade, and indeed some of the most efficient members of that Board had been formerly engaged in trade operations. No one could object to the appointment of such a man as the late Lord Ashburton; and Mr. Poulett Thomson, after being actively engaged in commerce, presided with efficiency over the Board of Trade; but men equally distinguished might be quoted on the other side who had never been engaged in commerce. Mr. Huskisson was an illustrious example, and he saw opposite to him a right hon. Gentleman (Mr. Henley), a man of acuteness, information, and intelligence, who was quite as able to come to a conclusion upon any matter relating to trade as any merchant could be. Common sense was quite as valuable a qualification for the office as a knowledge of the details of trade, and a great and essential point was that the Minister of Trade should not be actually interested in the matters upon which he had to decide. The principle advocated by the hon. Gentleman that the affairs of trade should be managed exclusively by merchants was, he contended, a retrograde principle. It was a return to the old principle that trade was best managed by guilds; it implied a partial and one-sided view of commercial affairs, and if it had continued to have operated upon our legislation the interests of the country would have proportionately suffered. He had a great respect for the shipowners, but if they had had exclusive possession of the Board of Trade they would never have repealed the Navigation Laws. They would, it was true, have repealed them at last, but those laws would not have been repealed, as they had been, before the mischief was done, but when they had lost half their markets, and when other nations had retaliated upon them. When it was too late, when the mischief had been done, when their doors were besieged by shipowners complaining that they were ruined, then a Board of Trade so composed would have repealed the navigation laws. The hon. Gentleman had truly stated that the functions of the Board of Trade were very much altered of late years. It used to be a great consulting department. It was consulted by the Treasury in those tariffs in which the protecting principle used to be largely mixed up; by the Colonial Office, in those colonial Acts which referred to commercial subjects; and by the Foreign Office, in those tariff treaties, now happily out of date, in which we consented to let in the goods of foreign countries at a certain rate if they would concede reciprocal advantages. That system had been swept away, but the Board of Trade still continued to be a consulting department. Questions of trade continued to arise in which it was of the utmost importance that the Treasury, the Colonial Office, and the Foreign Office should be able to obtain the advice of a separate department, whose duty it was to consult the interests of trade as distinguished from the secondary interests of revenue. As an instance, he had himself had occasion, only the other day, to refer to the Board of Trade a consolidated commercial code, which he had received in the form of an ordinance from Malta, and which embraced many questions of a complicated and important nature. It was obvious that, simplify trade as much as they might, there must always remain questions upon which it would be important that the various departments of the Government should be able to consult a Board so constituted as to be able to give a careful, impartial consideration to the subjects upon which they were called upon to advise the Government. The question then came, how such a department ought to be constituted. He held to the opinion that, although the Board of Trade ought always to be open and accessible to the traders of this country, and although it was their duty to listen to every representation made on the part of those engaged in trade, yet it was essential to the due discharge of the functions of the Board of Trade, and for maintaining its credit and confidence, that the Members and presiding officers of the Board should be themselves free from participation in trade, and above suspicion in that respect. He was unwilling to go into details on the subject, and would leave them for his right hon. Friend the Vice President of the Board. It was true, as the hon. Gentleman had stated, that he (Mr. Labouchere) when at the Board had had frequent communications with the local commercial bodies of Liverpool, and he should always be ready to acknowledge the support he had received from them in framing the great measure relating to the mercantile marine. He was not surprised that differences had arisen upon some of the questions settled by the measure of consolidation brought in by Mr. Cardwell, and he could not mention Mr. Cardwell's name without referring to the great loss which the House had sustained in the absence of a gentleman of his high character and great qualifications from their deliberations. He believed that one of the hon. Member's complaints was that the tribunals now appointed in cases of wreck were not composed of shipowners or captains, but of a more independent tribunal. Certainly, if the circumstances attending upon a wreck were interesting only to them—if there were no general or public interests involved—he would say let a man be tried by his peers, and let a shipowner be tried by shipowners, and a ship captain by ship captains. But there was another party—namely, the public—who took a deep interest in these matters. It was for the public interest that questions of wrecks should be probed to the bottom, and that they should be tried by a tribunal of greater independence than shipowners and ship captains exclusively. Hence arose the necessity for carefully guarding that interest by the presence of a representative from the Board of Trade. Much of the hon. Member's speech was composed of Liverpool grievances against the Board of Trade, which, even if they were well-founded, would not be valid arguments against the constitution of the Board of Trade, but only complaints against those who presided over it, which he had no doubt they would be able satisfactorily to answer. The hon. Member complained that the Board of Trade should meddle with private Bills and make Reports upon them. He had always heard that private Bills often came before Select Committees, where the interests of powerful individuals and great corporations were adequately represented, but where the public had also great interests at stake, which were entirely unrepresented. It was, therefore, thought essential that the Board of Trade should present Reports, stating the public view of these questions. The hon. Member might complain that these Reports were not properly done, and that would be a special complaint which might be investigated; but as a general system he thought the Board of Trade discharged a most valuable and important function in examining what was to be said on behalf of the public upon the question at issue. The hon. Gentleman also alluded to the important Committee presided over by the right hon. Member for Carlisle, which was now sitting on a question connected with the interests of the port of Liverpool. He (Mr. Labouchere) had the task, the year before last, of presiding over a similar Committee, and he had sufficient acquaintance with the circumstances of the case to know that the Bill to which reference had been made, though nominally a private measure, involved important public considerations. He rejoiced, therefore, that the matter was now in such able hands. The Board of Trade, in stating its opinion to the Committee, had only done its duty; while, on the other hand, that opinion was in no way binding on the tribunal to which it was submitted, but would merely receive its consideration. The hon. Gentleman had certainly gone far afield in search of his objections to the Board of Trade. The corn returns were made up in too slovenly and defective a manner to please him. He forgot, however, that the object of those returns was not statistical, but merely to enable the tithe averages to be struck—a purpose for which perfect accuracy of detail was wholly unnecessary. Moreover, to collect those returns with minute exactitude would require the creation of a new machinery, and entail a heavy expense to the country, which successive Governments had wisely declined to incur. Again, the hon. Member said it was most improper that the Board of Trade should be intrusted with the superintendence of our railway system.

MR. HORSFALL: I beg the right hon. Gentleman's pardon, but I said nothing of the kind. My complaint was that the Board did not send down competent engineers to inspect railways.

MR. LABOUCHERE: That, again, was a point of detail which did not touch the constitution of the Board of Trade. That Board obtained professional advice in regard to railways just as it did in regard to the mercantile marine and its other functions; but it by no means followed that, if they reconstituted the Board, the evil of which the hon. Gentleman complained would be remedied. This objection, also, was therefore totally beside the grave and important question whether this great department of the Government was constituted in a manner which ought to satisfy that House and the public. The hon. Member likewise adverted to the subject of guano. Not having the papers before him, he (Mr. Labouchere) was unwilling to go into that subject; but he had hoped that the arrangements now made on this question were perfectly satisfactory to the constituents of the hon. Gentleman, as well as to the community at large. At all events, those arrangements removed every vestige of monopoly, and threw the trade open to the shipowners of the entire kingdom. The Board of Trade, besides being a great consulting department, was now also an executive department, exercising most important functions. The working of the Mercantile Marine Act, including the superintendence of the examinations of masters and mates, the improvement of the regulations and discipline of the merchant service, and other important provisions had been intrusted to its supervision. Another measure, introduced at his own instance, had also increased both the duties and the responsibility of the Board of Trade. He alluded to the Bill relating to the great and embarrassing question, the Merchant Seamen's Fund, passed a few years ago. Before it was transferred to the Board of Trade, that fund was administered by those local guilds for which the hon. Gentleman seemed to have a predilection; and under their management it fell into a state of hopeless incurable insolvency. So deplorable, indeed, was this insolvency, that that House was obliged to come to the rescue, and—to its honour be it said—the House, without a dissentient voice, did an act which, while truly just, was at the same time noble and generous, having regard to the class of men who were the sufferers by such a state of things. It made a sacrifice of more than £500,000 in order to place this fund on a secure footing, and under proper management. He had taken a great interest in the new system, and could state that, under the Board of Trade, it had worked beneficially to the merchant service, and satisfactorily to the public. He hardly thought the hon. Member seriously intended to press his Motion upon the House. To the proposition of a Select Committee there was, first of all, the general objection to taking such a course under the present circumstances of the Session—an objection which gained in strength as every week passed over their heads. Indeed, he thought it would be quite impossible to find Gentlemen fit to conduct the inquiry who would devote that kind of attention to it which would end in the adoption of any useful Report upon the subject; but his main objection to the Motion was this—if any step ought to be taken upon it at all, the subject was one for the House itself, rather than for a Select Committee. They were getting into the too frequent practice of referring to Select Committees questions which properly belonged to the whole House. If the House were of opinion that the principle on which the Board of Trade was founded was radically and fundamentally wrong, let them say so, and insist on having its constitution altered; but he, for one, could not consent to send such a question to a small knot of gentlemen sitting up stairs. Let the thing be done in the face of day, and on the floor of that House, where the opinions of eminent merchants, and the experience of Members on both sides who had officiated at the Board of Trade could be brought to bear on the question. His own belief—and he trusted the House would concur with him—was that nothing in the past history or present condition of that department could justify the affront now sought to be put upon it. Ever since the days of Mr. Huskisson, when the Board of Trade was placed in the hands of independent men unconnected with commercial affairs, that Board had rendered invaluable services to the country. He approved its present constitution; but if any part of its duties ought to be severed from it, let that be done. It might, indeed, have committed some errors of detail, but no ground had been shown for impeaching its general conduct and management. He did not say that this or any other public department might not be remodelled. Some men of great authority thought that this Board ought to be more assimilated to other departments, and that we should have a Minister of Trade, assisted by a Parliamentary Secretary. As far as the performance of the duties in the office were concerned, that might be a better arrangement than the present; but, looking to the business to be transacted in both Houses of Parliament, the system of having two Ministers of the rank of Privy Councillors connected with that department had its undoubted advantages. That, however, was not a question for a Select Committee, but should be fairly discussed and determined by the House itself. If, therefore, the hon. Gentleman persevered in his Motion, he was satisfied that the House would mark by a decided vote its opinion that no ground had been laid for taking the unusual and extraordinary course of re-referring the constitution of a great public department to the investigation of a Select Committee of the House of Commons.

SIR JAMES GRAHAM: Not seeing any other hon. Gentleman disposed to address the House, and not being able, consistently with my sense of duty, to give a silent vote on this question, I shall take the liberty to offer a few observations to the House. I know something of the particular office the composition of which has now been brought under the notice of the House. True, I have had no official experience at the Board of Trade, but to use the language of Burke, quoted by the hon. Member for Liverpool, I may say "I have known that Board off and on for a great number of years." Ever since I have had the honour of a seat in this House, now nearly forty years, I have seen the functions of that Board discharged by men of pre-eminent merit, and I must say I am really surprised that the hon. Gentleman the Member for Liverpool should be the person to lead an attack upon that Department. Why, he cannot take a step in the city he represents without being reminded of one of the most distinguished men who ever sat in this House—one who was a credit to the representation of Liverpool, and who presided over the Board of Trade with an advantage to this country which our gratitude, in my judgment, can never repay. He cannot go to the Exchange of a morning without seeing the statue of Huskisson, on which it is recorded that he was one of the greatest benefactors of his country. He cannot take a walk round those docks that adorn the river which flows past that city without seeing on one side the Huskisson Dock and on the other the Canning Dock, and all those immense works, the waters of which receive into their ample bosom the commerce of the world—the cotton of America, the sugar of the Indies, the tea of China, the gold of Australia—and these basins it was the great work of

Huskisson to originate. There is the Custom House, too, which was considered by some much too large at the time of its construction, but which his wise forethought clearly led him to foresee would be at a future day inadequate to the trade of Liverpool. You cannot go beyond the walls of the city, to the cemetery where the remains of Huskisson rest, without being reminded of what he was—"what shadows we are and what shadows we pursue." And yet the hon. Member for Liverpool, with these recollections surrounding him on every side, on this occasion chooses to attack the Board of Trade. He has made an appeal to my noble Friend at the head of the Government; he has entreated him to look to this matter. I too hope, and am sure, that my noble Friend, who is so honourably connected with the character and reputation of Mr. Canning and Mr. Huskisson, will look to this matter himself, and will be slow indeed to consent to any reconstruction of the Board of Trade. The hon. Gentleman argues that the composition of the Board is not satisfactory. He does not confine this view to the present moment, but after paying some passing compliments to the noble Lord who now presides over that department and to the right hon. Gentleman the Vice President of the Board, who sits below me, he expressed his opinion, that commercial experience was indispensably necessary to the proper discharge of the functions of the office. He said, indeed, something of a Lord and a lawyer; but I may be permitted to say that many noble Lords, including such men as Ashburton, Dalhousie, and Ripon, have at times presided there when measures having an important bearing on the interests of the country were under consideration. I do not wish to speak of my right hon. Friend below me (Mr. Lowe) in terms of flattery, but I doubt whether many men as eminent for their abilities and knowledge have filled the post of Vice President of the Board of Trade. I am afraid of wearying the House, and yet I should like to bear testimony—due from me from my long observation of the merits of this Board—to the great services which, in my mind, it has conferred upon the trade of this nation. I conceive that the period between 1820 and 1830 was the real commencement of the great battle which has been fought in this country for sound commercial and economical principles. Then was really fought the Waterloo of free trade, of which Mr. Huskisson was the champion, then was the battle really won, and, in my opinion, the Board of Trade was the pioneer of the sound principles which have since prevailed. They cleared the bush, as it were, they prepared the soil, and sowed the good seed which has since increased and multiplied a hundredfold, till it has produced an abundant harvest, such as was never produced in any country in the world. It is melancholy to reflect how the errors and slips of eminent men are remembered while their great services are forgotten—

> "Men's evil manners live in brass; their virtues
> We write in water."

There is a tendency to dwell on the foibles of great and eminent men, and to forget the services they have conferred on their country. If we look at the mode of dealing with some of the principal articles of trade and commerce previous to 1820 we shall see that nothing could be more disastrous to the interests of the community. Take, for example, the article of fuel. In certain parts of these islands we were blessed with an abundant supply of fuel, while in other parts there was a deficiency that now will scarcely be believed. It is hardly possible to exaggerate the evils of the system that prevailed. Could it be believed that as late as the year 1820 there was a duty of 9*s.* 6*d.*—amounting to 50 per cent—a chaldron on sea-borne coals passing from the coal districts to those less fortunate portions of the United Kingdom where coal was not produced? By the efforts of Mr. Huskisson, in 1824, then the President of the Board of Trade, that duty was very much diminished; and it was the triumph of Mr. Poulett Thomson, then Vice President of the Board, in 1831, to procure the entire remission of the remaining tax. Again, in looking back to those times, I can see nothing more prejudicial than the system of forced bounties that prevailed. As late as 1829 the bounty amounted to £300,000 on linen exported that year from Ireland. In the subsequent year, 1830, the vicious system of bounties was repudiated, and from that time we have to date the prosperous commencement of the linen trade of Ireland. In 1819, and previously, it was always supposed by Chancellors of the Exchequer that articles of large consumption were capable of bearing a higher duty, with the certainty of yielding a large revenue; and accordingly, in 1819, Mr. Vansittart raised the duty on coffee from 6*d.* to 1*s.* per pound.

Mr. Huskisson objected strongly to the course then pursued, and in 1824 he persuaded the Government to try the experiment of a reduction of the duty; and it was reduced from 1*s.* to 6*d.* In 1824, at the time of the reduction, the quantity of coffee imported was 7,993,000 lb., and the revenue was £407,000. In 1830, six years after the reduction, the quantity imported had risen to 22,740,000 lb., and the revenue to £583,751, being an increase of 20 per cent. I will not dwell on the question of the coasting trade. Mr. Huskisson was most earnest, together with Lord Wallace, Vice President of the Board of Trade, in pressing for a relaxation of the fetters of that trade; and he effected certain changes, not so extensive as he desired, but such as laid the foundations in argument and in practice for the measure which my right hon. Friend (Mr. Labouchere) had the good fortune to carry, when, to his immortal credit, he succeeded in persuading this House, in 1850, to repeal the navigation laws. But a great battle was fought by Mr. Huskisson on another point, still more important than those on which I have touched—I mean the battle he fought against protecting duties. In 1826 he chose as his battle-ground the question of silk, and the struggle was between what was termed the principle of protection to native industry and what Mr. Huskisson called the salutary effect of competition. As the arguments on both sides are well stated in speeches delivered at the time, I will take the liberty to read an extract to the House. I know not whether the right hon. Gentleman the Member for Coventry (Mr. E. Ellice) is in his place, but at that time fighting the battle of his constituents, he was the great advocate of high protection to native industry. He stated the case in these terms:—

> "That there were in that city (Coventry) 9,700 looms, 7,500 of which were in the hands of operative weavers, who applied their manual labour as well as their machinery to the manufacture of ribands. These looms were, for the most part, of the worst possible construction; and it would scarcely be believed that the improved loom in France would, in a given time, produce five times as much riband as the common loom in England with the same manual labour! He could also state that there existed an improved manufacture in Germany, by which one man could make forty-eight times as much velvet as could be made in an equal time by an English machine. What chance was there that the English manufacturer could maintain such a competition?"

That was the argument of my right hon. Friend the Member for Coventry in defence of native industry. Will the House listen to the answer of Mr. Huskisson? I think they will agree with me that everything that could be tersely and beautifully said in favour of the opposite principle which we have happily lived to see prevail is by him briefly summed up in these memorable words. He says—

> "The monopoly had produced what monopoly was always sure to produce—an indifference with regard to improvement. That useful zeal which gives life to industry, which fosters ingenuity, and which in manufactures occasions unceasing efforts to produce the article in the most economical form, had been comparatively extinguished. To the prohibition system it was to be ascribed that in silk only, in the whole range of manufactures, we were left behind our neighbours. We have here a proof of that chilling and benumbing effect which is sure to be produced when no genius is called into action, and when we are rendered indifferent to exertion by the indolent security derived from restrictive regulations. I have not the slightest doubt that, if the same system had been continued with respect to the cotton manufacture, it would have been at this moment as subordinate in amount to the woollen as it is junior in its introduction into the country."

Now, hear the comments of Mr. M'Culloch, in 1850, on this very question of silk. He says—

> "We do not exaggerate, we state the matter of fact, when we affirm that the silk manufacture has made a more rapid progress since the abolition of the prohibitive system in 1826 than it did during the preceding century. The former disparity in quality between the goods of French and English make has been materially abated in most articles, while in a few the superiority is now on our side. The real or declared value of the silk goods of British manufacture exported to France in 1842 amounted to £181,924."

In passing, I may observe that the duty upon silk, notwithstanding the battle that was fought in favour of a less restrictive system, remains almost the only anomaly in our tariff. There is still on many articles a duty varying from 25 to 30 per cent as against foreign manufactures. With regard to articles of raw material, I might allude to many—to timber, for instance, the duty on which was reduced at the instance of Mr. Poulett Thomson in 1831. It was again reduced by my right hon. Friend the Member for the University of Oxford (Mr. Gladstone) while Vice President of the Board of Trade in 1842, and it was still further reduced by my right hon. Friend the Colonial Secretary in 1851. But I cannot pass over a particular article, which was one with respect to which the principles of Mr. Huskisson have signally triumphed, and by which the manufacturing industry of this country has received a most remarkable impulse. I allude to the article of wool. Previous to 1825 the importation of the foreign raw material was absolutely prohibited, and there was a very heavy export duty upon the manufactured article. The result of the change is most remarkable. In 1825, Mr. Huskisson entirely abolished the barbarism of an absolute prohibition of import. In 1819 the duty had been raised by Mr. Vansittart 6*d.* per lb., which was equal to 50 per cent of the value of the article itself. It was reduced in 1825 by Mr. Huskisson, and the duty upon the raw material was entirely repealed by the Government of Sir Robert Peel when my right hon. Friend the Member for the University of Oxford was Vice President of the Board of Trade. Yet the price of home-grown wool was never, I believe, in the history of this country so high as in the present year. The home-grower has had all the advantage of the increase in price, while the manufacturer has had the advantage of freely importing the raw material; and the export duty upon home-grown wool has also been entirely repealed. Now, I might point out to you what has been done by the Board of Trade since 1845 on behalf of our commerce. My right hon. Friend has stated most truly that the tariff has been revised. What was the revision which took place in 1845? That revision took place under the immediate advice of the Board of Trade, when my right hon. Friend, the Member for Oxford University, presided there. The duty was absolutely repealed on 420 articles. The duty upon all raw materials was abolished. All prohibitory duties were converted into protective duties, and all protective duties were diminished. What has been the effect of all this? I will only just trace the effect upon certain most important articles to which I have already referred. The hon. Member for Liverpool says that he can learn nothing from the Board of Trade; but the document which I now hold in my hand is the statistical abstract for the present year presented to Parliament by the Board of Trade, and never, in my opinion, was a more instructive document presented to the consideration of the House. The short points which I am now about to call to your recollection are all contained in this document. I begin with silk, on which the first experiment was tried. The quantity of raw silk imported into this country in 1842 was 3,951,000 lb.; in the year 1856 it had risen to 7,383,000lb. The quantity of wool imported into this country in 1842 was 45,881,000 lb.; in 1856 it had risen to 116,211,000 lb. The quantity of flax imported in 1842 was 1,145,000 cwts.; in 1856 it had risen to 1,687,000 cwts. Well, now, let us see what is the effect with respect to the exports of these articles. I begin again with silk. The declared value of the silk exported from this country in 1842 was only £590,000; in 1856 the declared value of silk exported was £2,966,000. The declared value of woollen exported in 1842 was £5,185,000; in 1856 it had risen to £9,512,000. The declared value of linen exported in 1842 was £2,340,000; in 1856 it had risen to £4,896,000. In the next place, I may ask what has been the effect with regard to the repeal of the navigation laws? That step was taken by my right hon. Friend, the Secretary of State for the Colonies, when he was President of the Board of Trade. There were most gloomy forebodings with respect to the effect of that measure. It was said that British shipping would diminish, that the number of British sailors would rapidly fall away, that it would be fatal to our commercial superiority, and that indirectly it would bear upon our naval supremacy in a most disastrous manner. Well, what are the facts? In 1850—the year in which the change was made—there were registered sailing and steam British vessels 17,892; in 1856 that number had risen to 19,270. The tonnage of these British sailing and steam ships in 1850 was 3,137,000 tons; in 1856 that tonnage had risen to 4,156,000 tons, being an increase of about 20 per cent. Well; take the number of men employed. The number of men employed in 1850 was 151,430; in 1856 it had risen to 173,918. Then there was a foreboding that the increase of foreigners serving in British ships would be very large. How stands the fact? What was the whole number of foreigners serving in the British commercial marine in the years 1854-5-6? I have told the House that, in 1850, there were 151,430 British seamen, and that in 1856 there were 173,918. Of these seamen in the year 1854, 13,200 only were foreigners; in 1855, the number had diminished to 12,927; and at the commencement of the present year, the whole number of foreigners serving in the British mercantile marine amounted only to 13,320. Then, in consequence of the change in the navigation laws, it was found necessary to remove the compulsion under which our shipowners were placed of keeping a given number of apprentices in proportion to the tonnage of their ships. It was predicted that they would diminish to a dangerous extent; and the first effect of the alteration in the law was a material reduction in the number of apprentices. Well, in 1852, the number of apprentices was only 11,105; but in 1853 it rose to 13,826; in 1854 it rose to 18,423; and in 1855, the end of the last year comprised in the last return, the number of apprentices rose to 22,082. I am really afraid of wearying the House with these details, but I am desirous of showing the salutary effects of the changes that have been made by this Board of Trade, the object of the hon. Member's attack. Since 1842 to the present time, speaking in round numbers, £10,000,000 of Customs and Excise duties have been remitted. Putting on one side the war operations, and one particular article (spirits) upon which there has been a permanent increase of duty, for which some abatement of the figures must be made, the fact is as I have stated. Let the House now well observe the effect of prudent remissions of duties in producing increased consumption and increased revenue. The Customs duties in 1842 amounted to 21,025,000. In 1845, large remissions of duties having taken place in the interim, the Customs duties were £20,196,000, while in 1856 they reached the sum of 22,370,000. The Excise duties in 1842 were £12,517,000; in 1845 they rose to £13,585,000; and in 1856 they were no less than £17,357,000. Thus, taking Customs and Excise duties together, the revenue has increased from £33,542,000 in 1842 to £39,727,000 in 1856. The hon. Member said the Board of Trade gives no information. [Mr. HORSFALL: I said nothing of the kind.] I thought the hon. Gentleman relied upon the statement of Mr. Burke, that "We want no instruction from the Board of Trade." Well, if not instruction, by which some men never profit, at all events we have derived valuable information from the Board of Trade; for I conceive that amongst all their mixed and valuable services, their monthly returns of export and import values and shipping are the most useful and beneficial information ever communicated by any official body. My right hon. Friend has truly said, in the progress of events the character of this Board has been changed; it has changed since the time of Mr. Burke; it has undergone modifications from time to time; and, by the force of events, it has recently undergone still greater changes. As the Secretary for the Colonies has truly said, it had until lately been regarded as a consulting Board. It was consulted by the Foreign Office as to reciprocity treaties; but those things are now held to be antiquated and exploded, and we hear of them no more. England acts upon her own policy—relies upon well-ascertained economical facts—that if she imports largely, either directly by the balance of trade, or indirectly through the agency of the smuggler, the account is balanced, and her imports are paid for by her exports. The Board of Trade was also consulted by the Colonial Office; but, since the salutary change which has taken place in our Colonies—since self-government has been conceded to them—the necessity of appealing to the Board of Trade as to inter-colonial Acts has greatly diminished. The Privy Council formerly consulted the Board of Trade respecting patents and charters of limited liability, but lately the exclusive power of granting those privileges has been abolished, and the law of patents having also been altered, these matters have been placed under the control of the Law Officers of the Crown. The Treasury, also, used to consult the Board of Trade as to tariffs; but the great revision of Sir Robert Peel, which reduced our tariff to about twelve articles really bearing the whole burden of Customs duties, has abolished that necessity; but, although the Board of Trade has ceased to be a consulting body, it is most valuable as an executive body. I will not follow my hon. Friend into all the details of railroads, the discipline of merchant ships, investigations into the causes of wrecks, and other important duties recently imposed upon the Board of Trade; but I must concur with my right hon. Friend the Secretary for the Colonies, that the Reports of that Board on Harbour and Railway Bills are most valuable. It would ill become me, sitting as I am with my colleagues in a judicial capacity upon the local dues on shipping, to make any comments upon what has fallen from the hon. Member for Liverpool respecting the Liverpool town dues. In that investigation, we have received great assistance from the Reports of the Board of Trade; but, although we acknowledge their value, we shall, of course, exercise our own judgment in deciding upon the facts which that inquiry involves. As to the next point, of guano, which was raised by the hon. Gentleman in reference to the discoveries upon the Arabian coast, I am bound to say that the able naval officer who was sent out by Lord Aberdeen's Government, when I was at the Admiralty, to explore the islands in question, had stated that they would be found utterly unproductive of guano of good quality. Then, as to agricultural statistics, I have never been enamoured of any compulsory demand of that nature upon farmers; still I think that, if accurate information of that kind could be obtained, it would be of very great advantage to the nation; but, unless accuracy be secured, the result will be most fallacious. Neither need I follow the hon. Gentleman into his comment upon the interference of the Board of Trade in railways or shipwrecks; but I must say, I think it would be most imprudent to intrust the decision on accidents upon railways or on board ship to those whose interests were involved in the issue, and are adverse to those of the public. I agree with what fell from my right hon. Friend, that if the Inns of Court and Doctors' Commons were left to themselves, we should never have any reform in the testamentary jurisdictions, nor if we left it to the Trinity House or other corporate bodies, should we have any reform in pilotage matters. So I say I do not believe, if we had consulted shipowners alone, we should have had any repeal of the navigation laws, nor had we been solely guided by capitalists, would there have been any law of limited liability passed through Parliament. Thus I say, it is not proper that questions of loss of life and property arising from shipwrecks should be left to the judgment of those interested in the decision. The hon. Gentleman has stated that, in his opinion, the Act of 1850 was preferable to the Merchant Shipping Act of 1854, and that centralization—that much-dreaded, little-understood term—was the character of the latter enactment. Under the Act of 1854 the decision in case of shipwreck, I believe, is left to the local magistrates, who act in open court, with the assistance of an assessor, and therefore the judgment pronounced is that of the local authorities.

Mr. HORSFALL: They are appointed by the Board of Trade.

Sir JAMES GRAHAM: The assessor is appointed by the Board of Trade, but the magistrates are justices of the locality.

Mr. HORSFALL: The Board of Trade has power to appoint the magistrates, or a stipendiary magistrate.

Sir JAMES GRAHAM: But they must be magistrates of the locality—justices exercising jurisdiction within the district. But, if I am correct, the 241st section of the Merchant Shipping Act, which constitutes these tribunals, was retained in the new Act at the instance of the hon. Gentleman himself. I have dwelt much on the beneficial measures effected in modern times by Mr. Huskisson, Lord Wallace, Mr. P. Thomson, Mr. Gladstone, and Lord Dalhousie—men of distinguished and eminent talent, who in succession have filled this great department in the State which the hon. Gentleman now seeks to pull to pieces and demolish. But what has been done in more recent times? Take the last five years. I don't see the right hon. Gentleman the Secretary for the Colonies in his place; but I feel more free in his absence to speak of his merits, and of what he achieved while at the head of the Board of Trade. He repealed the navigation laws; he instituted an examination of seagoing masters; he suppressed crimping by shipping offices; he insured the survey of passenger steamers; he extinguished the Merchant Seamen's Fund, which was bankrupt; at his instance, Parliament generously made up the deficiency by a grant of £100,000; and he established also a regular system of inquiry into the misconduct of masters. Mention has been made of my right hon. Friend Mr. Cardwell. What did he effect in the first year of his office? The right hon. Gentleman the Member for Buckinghamshire, in opening his budget in 1852, had stated various grievances of which, in his opinion, the shipping interest had a right to complain. The right hon. Gentleman (Mr. Henley) who was President of the Board of Trade under Lord Derby's Administration—and never was there a more efficient Minister; unassuming, diligent, careful in investigating, quick in observing deficiencies—had supplied the Government of which he was a member with information of the defects which existed in our system, and of the grievances which ought to be redressed at that time; and the right hon. Gentleman (Mr. Disraeli) detailed those grievances in his budget. Lord Derby's Government, however, did not remain in power a sufficient time to redress them. Lord Aberdeen's Government succeeded. My right hon. Friend Mr. Cardwell, being at the Board of

Trade, immediately turned his attention to the subject, and in that very Session what did he effect? He regulated the salvage claimed by Queen's ships; he regulated the volunteering into Queen's ships from merchantmen on foreign stations; he modified the law which compelled shipowners to take apprentices; he repealed the clauses which regulated the proportion of foreign seamen on board English ships; he regulated the general law of wrecks and salvage; he established savings-banks for the benefit of the merchant seamen; and he introduced a system for the payment of seamen's wages by transmission of lists which has produced the most salutary effect. But was that all? In the following Session what was done by the President of the Board of Trade?—this idle officer, whose very existence as a member of the Government is viewed with jealousy by the hon. Gentleman. He introduced and passed through Parliament in one Session an Act called the Merchant Shipping Act, of about 460 clauses—a complete consolidation of the whole code of merchant shipping—a consolidation of fifty statutes, all of which he repealed and embodied in that one Act; and I believe I am not wrong in saying that, after all which has been said about the consolidation of the statutes, this is the one solitary instance of consolidation effected on a large scale. Well, then, what more did he do? There is a provision in that Act for the transfer and the mortgage of ships upon a small payment, which gives extraordinary facilities, works without any confusion, and which, if I mistake not, is a model upon which the measure for the registration and transfer of lands itself must at last be framed. Was that all? My right hon. Friend was fortunate enough, by his conciliatory demeanour, to obtain the consent of the Trinity House in London to the most extensive change with reference to local dues which has ever yet been effected. Notwithstanding their charter of incorporation, which dates from the time of Henry VIII., and which might have been adversely pleaded, the Trinity House, looking to the wants of the times, and on the representation of my right hon. Friend, consented to a new regulation of its functions under the control of the Board of Trade, and to a reduction of light dues, by which the shipping interest will, in the course of two or three years, have benefited to the extent of £170,000 a year, while the old lighthouses have been efficiently maintained, and new ones of the best construction are in progress of erection. My right hon. Friend also carried a measure regulating the whole system of pilotage in the port of London, the cinque ports, and in the Thames and Medway, by which, if I am not mistaken, the shipping interest already has benefited to the extent of £20,000 a year. I am shocked at the time I have detained the House, but really a sense of justice has compelled me to bear evidence on this subject. The noble Lord at the head of the Government, who has an intimate knowledge of these matters, and whose experience with reference to the past is greater than mine, will confirm the accuracy of what I have stated. I rejoice that the Government have not yielded for one moment to the solicitation of the hon. Gentleman for a Committee, and will firmly resist this Motion. I hope they will maintain the existence of this great department in the State, the value of which I think incalculable. Experience may suggest small alterations in its constitution, but the outline of the department is good and sound, and, in my humble judgment, is well worthy of being preserved.

MR. BENTINCK thought his hon. Friend the Member for Liverpool (Mr. Horsfall) had made out a complete case for inquiry, and he should therefore support the Motion. There were one or two points, however, on which he was compelled to differ from his hon. Friend. For instance, he distinctly and decidedly differed from his hon. Friend as to the alleged inquisitorial character of the questions put by the Board of Trade, on the subject of Insurances, because he (Mr. Bentinck) believed that the utmost publicity should be given to all transactions of that nature; and he differed from him also in thinking that the powers of that Board should be diminished rather than increased, and on that ground he was the more inclined to support the Motion. He could not come to the conclusion, however, that the Motion of his hon. Friend involved a charge or accusation against the Board of Trade; it simply asked for an inquiry; and as he (Mr. Bentinck) believed inquiry in such cases always was good, he should support it. As far as railroads were concerned he (Mr. Bentinck) concurred with his hon. Friend; and he had himself brought forward a Motion on a former occasion, proposing that additional powers should be given to the Board of Trade, believing such a course would tend to the interest and benefit of the country, and also of Railway Companies. He believed, however, that the principle of the constitution of the Board of Trade, as well as of all Government Boards, was essentially bad, because it involved a divided responsibility, and because, consequently, no business that came before it could be well done. It had the two great defects of all Government Boards, for it, like the Board of Admiralty, was composed of men who by their education and previous training, let their talents be what they might, could have no sufficient knowledge of the subjects brought under their notice; and secondly, it was so constituted as to attach no responsibility to any one. The right hon. Baronet the Member for Carlisle had, amongst other subjects, referred, in a tone and terms of extreme gratulation to the repeal of the Navigation Laws, and he had justified that tone and those terms by referring to the great increase in the tonnage of our shipping engaged in commerce; but that was no test whatever. The only fair way to look at the case was to take into view the effect of that repeal, not only upon the commercial marine of this country, but also its effect upon the commercial marine of other great countries. If that were done it would be found that the increase of the latter, in consequence of the repeal of the Navigation Laws, was far greater than the increase of the former. If the repeal of the Navigation Laws had increased the ships and commerce of this country, it had increased the ships and commerce of France and of America in a much larger proportion, and if the present system was long continued he (Mr. Bentinck) had no doubt that the commercial supremacy of this country could not be maintained. There was also another point of great importance connected with the subject of the repeal of the Navigation Laws, namely, the difficulty of manning the navy now experienced. He (Mr. Bentinck) had heard the right hon. and gallant Admiral the late Member for Gloucester (Admiral Berkeley) state from the Treasury Bench, that this difficulty existed in consequence of the Repeal of the Navigation Laws; and the gallant Admiral was a competent authority on the subject. With reference to the subject of the balance of trade to which the right hon. Baronet the Member for Carlisle had so triumphantly alluded, he (Mr. Bentinck) should be glad to know how it was that of late the balance of trade had been so invariably against this country, notwithstanding all restrictions had been removed from commerce?

SIR GEORGE PECHELL said, he was not aware that the gallant Admiral alluded to had attributed the difficulty in manning the navy to the repeal of the Navigation Laws. Neither did he himself think it was generally believed that such was the case. At any rate, all the naval officers in the House, with the exception of the late hon. and gallant Member for Bath, had voted for the repeal of those laws. He (Sir G. Pechell) complained that the returns said to be laid on the table on the 21st of March by the Board of Trade were still in the shape known as "dummies,"—they consisted only of the cover, and were waiting for the several returns from the office before they could be printed and delivered to Members, notwithstanding the high eulogium of the right hon. Baronet the Member for Carlisle as to the labours of the department. He argued, therefore, that the Board of Trade either had too much to do, or that it neglected its duties. The former he believed, however, to be the case; they had not only too much to do, but they did more than was required. By an Act, the 18th & 19th *Vic.*, c. 101, they had obtained power to carry out more stringently the convention with France respecting the oyster fishery in the Channel. Upon that authority, an Order in Council, dated the 21st of May, had just issued, forbidding any one, during the months of May, June, July, and August, to remove any oysters, or introduce any into the United Kingdom, from any part of the British Channel or the coast of the United Kingdom. Now, it was well known to those connected with the oyster fisheries, that it was necessary for improving the trade, that the oysters in the said Channel might be taken up during those months and placed in other grounds—or for consumption. But, now, in consequence of this Order in Council, oysters could not be transferred even from one pond to another without entering into a bond of £100. And the master of a vessel was liable to a penalty of £6 for having dredging machines on board, as well as the forfeiture of any oysters found in the vessel. The effect of this infringement on the rights of fishermen, and the complete stoppage of the large trade hitherto carried on, where thousands of tons of oysters had been sent up by the Brighton and Southampton railways, had caused great distress on the coast of Kent, Sussex, and

Hants. This was going very much farther than Parliament intended they should go, and therefore he would support the Motion for inquiry.

MR. LOWE said, that if he did not make, in answer to the speeches which they had heard that evening, so satisfactory a statement as he could wish, he must throw himself upon the indulgence of the House, because he had been submitted to an ordeal which it would be difficult for any public officer to pass through with credit, even if he were competent for the situation which he held, whereas, by the hypothesis of the hon. Member for Liverpool, he (Mr. Lowe) was not competent to discharge the duties of his office. He had come down to the House prepared to meet the allegation of the hon. Member for Liverpool, that there ought to be an alteration in the constitution of the Board of Trade; but it was not likely that he could be prepared thoroughly to answer every possible case which any hon. Gentleman might bring against the Board of Trade, without the necessary papers and books before him, and without any notice having been given of the questions. He submitted that it would be better, if hon. Gentlemen had complaints to make of a public department, that they should do so either by a Motion for papers or a Vote of censure. That would raise the case distinctly, and it would enable the House to come to a definite decision—not upon an *ex parte* statement such as the hon. Member for West Norfolk (Mr. Bentinck) had made—but after hearing both sides of the case. The hon. Member for Liverpool (Mr. Horsfall) had disposed of one part of his own Motion very satisfactorily, because after the history with which he had favoured the House it surely would be unnecessary for any Committee to inquire into the origin of the Board of Trade. Neither would it be necessary to enter very minutely into Mr. Burke's description of that department, because, except that the name was still retained, there was no similarity whatever between the two establishments. The Board of Trade in Mr. Burke's day consisted of eight Members of Parliament, who received £1,000 a year each for doing nothing, so far as he (Mr. Lowe) could understand. Among the Members, however, the Board had the honour of including Mr. Gibbon. They had to regulate trade; but as the powers vested in them for that purpose were only those of the Queen's prerogative, which were of no partial avail, and as they had no statutory powers whatever, they had nothing to do but to pocket their salaries. That flagrant and corrupt institution, as it had been called, had been swept away; but what had such a Board to do with the present Board of Trade, which, in reality, was not a Board at all? It consisted, indeed, of a nominal Board, appointed at the commencement of every reign, of great officers of State who never sat, but it was really confined to a President and Vice President. It had nothing in common with the Board of Mr. Burke. Its whole authority was of a statutory character, delegated to it from time to time by that House, when there was any public duty to be performed which, in the opinion of the House, it was calculated satisfactorily to discharge; and it was no small testimony to the efficiency of the Board of Trade, that during the last thirty years the Legislature had been in the habit, when they wanted a body to act with intelligence and impartiality between the public and any private interest, of uniformly selecting the Board of Trade for such a purpose. Scarcely a private Act was passed without something being delegated to the Board of Trade, and he hoped to be able to show to the House that the department had not failed in the exercise of those functions with which it had been entrusted. The only argument with which the hon. Member for Liverpool had favoured them in support of his view of the necessity of altering the constitution of the Board of Trade was founded on the allegation that it had too much to do. He (Mr. Lowe) did not know that that was a very logical way of arguing, because if a department had too much to do the remedy was simple—it was not to alter the constitution of the Board, but to relieve it of some of the burdens which had been imposed upon it. If that were what the hon. Gentleman meant, he (Mr. Lowe) claimed his thanks, for during the last few years the main occupation of the Board of Trade had been the relieving itself from a number of unnecessary burdens with which the country had injudiciously trammelled it. It might, he thought, be justly said, that the Board of Trade had been the grave of protection and the cradle of free trade. Mr. Huskisson prepared the way, and it was from the Board of Trade, in 1840, that there went forth that invaluable evidence given before the Committee on the Import Duties by Mr. John Deacon Hume—a man whose name never could be mentioned without respect, whose convincing testimony before that Committee shook the whole fabric of protection to its very centre, and carried conviction to the minds of many people who had failed to be convinced before. No more remarkable evidence, perhaps, could be adduced of the benefit which the country might derive from the possession of such men, who, trained to official life from their earliest years, obtained a knowledge of the springs of action, and were enabled by their acquaintance with the practical workings of difficult measures to trace effects to causes, and to reason from results in a manner that could be accomplished, probably, by no other system of training. The Board of Trade, then, was censured, because it had too much to do. It had got rid, however, of treaties of reciprocity, because it had been the main agent in establishing those principles which rendered reciprocity treaties obsolete and unnecessary. It had got rid also of a vast quantity of business relating to joint-stock companies, by instituting the principle that people might establish joint-stock companies for themselves. Moreover, the interference of the Home Government with the Colonies had of late years been greatly lessened, and the functions of the Board of Trade in that respect, therefore, had also been greatly diminished. So far, then, he claimed the thanks of the hon. Member for Liverpool, because, having too much to do, the Board had been constantly endeavouring to rectify that error by the inculcation and establishment of sound principles which would work efficiently of themselves, without the intervention of any department of the Government at all. He now came to the charges which had been brought against the Board of Trade, and he should deal with the last first. The hon. and gallant Member for Brighton (Sir G. Pechell) had stated that, the Government having completed a treaty with France with regard to oysters, the Board of Trade had, by means of an Order in Council, made that treaty more stringent. Exactly the contrary, however, was the case. The Foreign Office had made a treaty with France that oysters should not be removed during the four months which did not contain in them the letter R —May, June, July, and August—when those delicacies were not supposed to be in good condition for consumption. That treaty, however, he apprehended only applied to oysters intended to be eaten; but he understood that it was considered necessary in the oyster trade that they should be transferred during those months from one bed to another. But that sort of removal appeared to come within the technical meaning of the treaty, and, as great difficulty and annoyance resulted from it, the Board of Trade obtained an alteration in the treaty enabling the removal of oysters during those months, not for the purpose of being consumed, but of being transferred to fresh pasturage. That was the Order in Council which the hon. and gallant Admiral had stigmatized as a cruel infringement by the Board of Trade upon the rights of the oyster fishermen. In effect it was just the contrary. Then the hon. Member for Liverpool (Mr. Horsfall) accused the Board of Trade of being the enemies of local self-government. But it was the principal duty of the Board of Trade to stand as an impartial arbiter between great interests, such as the railway or the shipping interest, and the public. That was the duty which the Board had to discharge, and in the performance of it, with what intelligence, impartiality and integrity they might, it was impossible to avoid incurring considerable obloquy and giving great offence. They were the advocates of no particular interests, save the interests of the public; they were bound to see that all proceedings were conducted equitably as between the public and those great interests to whom the lives of the public were in some measure entrusted; they had to take care, when fatal casualties occurred, that the guilty should not escape, and that negligence or impropriety of conduct on the part of shipowners, railway directors, and others, should not go unpunished, or be glozed over by friends whose sympathies were excited by local connections or by a community of interest. It was this view of their duty which explained all the proceedings of the Board of Trade in relation to the Liverpool local Marine Board. In 1854, Parliament gave to the Board of Trade the option of appointing two courts for inquiry into wrecks —one, the local Marine Board, composed of local shipowners on the spot; and the other consisting of two magistrates, to whom, in the event of matters of nautical skill being involved, the Board of Trade might add an assessor. In 1854, as now, the hon. Member for Liverpool objected to the Act giving that option, and contended that inquiries into wrecks should be referred to the local Marine Board only; but Parliament gave the Board of Trade the option, and the Board had exercised it; and he thought that it was rather too bad to complain now that they merely exercised a power which, after full deliberation and debate, had been conferred upon them by Parliament so recently as 1854. It was not because a man belonged to a particular interest that he was therefore the best judge when a question arose between that interest and the public. It was said that a peer and a lawyer were unfit to preside over the trade of the country. His noble Friend Lord Stanley and himself did not pretend to any such position. Where there was a conflict between a great interest and the public, they saw that justice was done not only to that interest, but also to the public; and where there was a probability of matters being hushed up from local causes, whatever unpopularity they might incur in performing their duties, they would never hesitate to use the means which the wisdom of Parliament had placed in their hands for carrying out the great objects it had in view. In the exercise of their discretion the Board of Trade thought, and justly, that many cases of wrecks ought to be inquired into by the magistrates with an assessor, believing, that if tried by a marine board, that board, which was composed of shipowners, would naturally deal tenderly with their fellow shipowners. That was the head and front of their offending with regard to the Liverpool Marine Board. They heard of great theoretical complaints of the Board of Trade; but was it not strange that after the exercise of this jurisdiction for so long a period, not a single case of injustice was brought forward? He would not discuss the abstract theory, which the House, after hearing Mr. Cardwell and the hon. Member for Liverpool, settled in 1854; but he was ready to admit that if gross injustice had been done by condemning innocent men, a case would be made out, not for a reconstitution of the Board of Trade, but for a revision of the clauses of the statute which intrusted them with those powers. The number of certificates withdrawn, either temporarily or permanently, from officers of the Mercantile Marine was 195. The number restored by certificates of the same or an inferior grade was 58. Was it not strange that none of the 195 had lodged with the hon. Member—no unwilling receiver—any complaint against the Board of Trade? He challenged the hon. Member to bring forward any case in which injustice had been done, but to do so in a proper manner and after due notice. He did not say that they might not have erred in judgment, like others, but anything like gross miscarriage of justice could not be alleged. The number of certificates withdrawn for drunkenness was no less than 116. For loss and damage to ships the number was only 20. The number for other offences was 59. The number of cases tried by the Liverpool Marine Board, who complained of being excluded from jurisdiction, was 96. The number tried by naval courts of law, against which there was no complaint, was 57. The number disposed of by magistrates, assessors, and others was 48. The number of certificates of competency withdrawn was 71. The number of certificates of service withdrawn was 124, in all 195. Those were the statistics, and he thought they were enough to show the House that if there were any substantial grievance ample opportunity had been given to prove by one out of so many cases that the Board of Trade had done wrong. The next charge was, that whereas the 448th section of the Act gave the Board power to ask any necessary questions when a wreck took place, they had presumed to ask whether the vessel was insured, when it was insured, and for what amount? The report of the Committee of 1837 which sat upon the subject of wrecks enumerated the causes, and one of the most prominent was stated to be maritime insurance. Who did not know that maritime insurance engendered at least carelessness in the owners as to the manner in which ships were sent to sea? And it very often happened that they were purposely cast on shore when insured above their value. He was speaking to a gentleman the other day, who told him that maritime insurance was "the mother of wrecks." The Board of Trade were to inquire into wrecks, but they were not to ask whether there was a motive for allowing the ship to be cast away or for making every effort to prevent her being cast away. He said they would have been blamable if they had not asked the very questions for which the hon. Member censured them, and he might add that those questions were compiled from the Report of the Receivers of Wrecks, which was superseded by the Mercantile Marine Act, so that it was not the invention of the Board of Trade, but the practice before those powers were intrusted to them. The next was rather a more delicate question—the hon. Gentleman told the House that during last Session the Liverpool Marine Board were so galled at the insolence of the Board of Trade that they resigned in a body. He never got at the rights of that quarrel, but he believed the reason to be this. There was a tried and excellent officer connected with the Liverpool Marine Board, who discharged his duties so well that the Board of Trade added £50 a year to his salary by way of gratuity. He had then £300 a year. The Mercantile Marine Board thought he should get £50 a year more. The Board of Trade consented to this, but as a matter of favour. The Marine Board said it should be done as a matter of right; and because the Board of Trade insisted on giving this £50 a year additional as a matter of favour, and not as a matter of right, the Mercantile Marine Board resigned, like independent Britons, in a body. The hon. Gentleman had wisely said he would not allude to the Liverpool town dues, but it was worthy of notice that the remarkable touchiness of the Liverpool Marine Board happened, casually, of course, to be contemporaneous with a considerable stir being made about the Liverpool town dues. The hon. Gentleman censured the Board of Trade, in the next place, for reporting upon private Bills. They did that in obedience to the orders of the House, and if any censure were passed it should be passed upon the House of Commons, and not upon those who complied with its orders. It was, however, absolutely necessary that in matters between private individuals there should be some one to speak for the public. No one who had not looked into the subject could conceive the extent to which, for want of an intervening power, the public interest had been prejudiced. He would point out an instance. The Corporation of London had the power of taxing seaborne coal, but not landborne coal. When railways were being introduced, the corporation opposed every Bill for a railway with a terminus in London, and withdrew its opposition upon each company submitting to pay the same duty on coal brought by their line as was payable on seaborne coal. Thus one by one the railway companies fell into the same net, and by a series of private Acts of Parliament, of which the public knew nothing, their private interests were sacrificed. It was to prevent the recurrence of such proceedings that the Board of Trade presented Reports on private Bills, and those on whose toes they trod resented it, and visited the Board with their censure. The next sin charged against them was that of obstructing Liverpool in forming docks, and putting the commerce of the country to inconvenience. It was a very heavy charge, but it was perfectly demonstrable by Acts of Parliament and Reports of Committees that it was utterly unfounded. His right hon. Friend (Mr. Labouchere) was Chairman of the Committee on the Liverpool and Birkenhead Docks in 1855. For twelve years previously Liverpool had engaged in a conflict, with all the energy, intelligence, and resources at its command, to prevent docks being made at Birkenhead. That long contest came under the jurisdiction of the Committee of 1855, and in granting certain advantages to Liverpool the Committee stipulated that in the next Session Liverpool should come to Parliament for a reconstitution of its dock trust. They had made default in doing so, and they were in default at this moment. The Board of Trade had pointed out year after year, when those persons came to Parliament, that they had not complied with conditions upon which former powers had been conceded, and if by doing that they were obstructing the Liverpool dock trust, he hoped the Board of Trade would never cease to obstruct them until they had learnt to obey Acts of Parliament. With regard to the corn returns, he need not say anything after what had been urged by his right hon. Friend, but would merely remind the House that these were not properly statistical, but taken for the purpose of the tithe average. Then he came to the question of the guano, and upon that the hon. Gentleman the Member for a great commercial city, which flourished so much by its trade and commerce, had read a letter from the Chairman of the Committee of the Liverpool Chamber of Commerce, who accused the Board of Trade of permitting the Government of Peru to charge so large a sum for its guano. He (Mr. Lowe) would remind the hon. Gentleman that the Board of Trade was a pacific department, and that it would have been much more to the purpose if he had shown how the Board of Trade were to coerce the Government of Peru in a matter like that. He came next to the question relating to the importation of guano from the Kuria Muria Islands. The hon.

Member for Liverpool stated that the Board of Trade refused to comply with the request of the Liverpool Shipowners' Association, to relinquish the royalty of 2*s.* a ton on guano imported from those islands into the United Kingdom, on the ground that no duty was payable on Peruvian guano. It was considered unworthy of the Board of Trade that they did not consent to that proposition. But the ground on which the Board declined to do so was, that as the price of the Peruvian guano always regulated the market, the remission of that 2*s.* a ton would not in the slightest degree have benefited the agriculturists, but, on the contrary, would merely have gone into the pockets of gentlemen who had already got a monopoly of the article in question. They had acted then, on the soundest commercial principles. The hon. Gentleman further said that the Liverpool merchants had proposed that guano should be imported in the ships of all nations, and yet that the Board of Trade had most unfairly charged those merchants with seeking to obtain for themselves a special advantage in the matter. He (Mr. Lowe) had sent for the papers, and he found, on referring to the proposed agreement, that it commenced by a flourish about ships of all nations; but the third clause provided that all ships should be obliged to obtain licences from the lessees at Liverpool; so that the whole scheme was a device for the benefit of the Liverpool shipowners. Again, the hon. Gentleman had accused the Board of Trade of very great misconduct with regard to the inspection of railways. He (Mr. Lowe) could only speak of the short time that he had known the Board of Trade, and he could conscientiously state that the Board had taken the utmost precaution to secure the services of gentlemen in every way competent to perform the duties of Inspectors. They had now two lieutenant colonels and captains of engineers, and at the head of that department was Captain Galton, a gentleman whose very admirable Report on American Railways showed his complete mastery over the subject of Railway Inspection. The case of the viaduct on the Manchester, Sheffield, and Lincolnshire Railway had been cited as one against which an officer of the Board of Trade had reported, who, it was contended, was unequal to the functions he had to discharge. If the Board of Trade had erred in acting on that Report, they had erred on the right side, and probably they were actuated in what they did by the fear of serious consequences to the public, such, for instance, as happened the other day from the dreadful railway accident in Canada. But it so happened that the officer who inspected that line of railway was not appointed by the Board of Trade at all, but by the Railway Commission, which was afterwards put an end to, and its powers transferred to the Board of Trade. Then the hon. Gentleman (Mr. Horsfall) adverted to the case of the Norfolk Railway, and read a Report from a gentleman who had a very bad opinion indeed of the Board of Trade. He (Mr. Lowe) asked the date of that Report at the time the hon. Gentleman was reading it, and for this reason. The House might perhaps remember that some time ago the Board of Trade caused a strict inspection to be made of the Eastern Counties Railway. In that case the Corporation of the city of Norwich had represented to the Board of Trade that the Eastern Counties Railway was in a dangerous state. Under the powers vested in the Board an inspector was sent down, who reported that some bridges were rotten, and the line altogether in a bad way. The company had since put it in proper order, but no doubt that Report did not suit the feelings of the Norfolk Company, and he thought the House might fairly trace the bad opinion that had been expressed of the system of inspection pursued by the Board of Trade to the engineer of that company. He (Mr. Lowe) believed he had now gone through all the charges which had been brought against the department with which he was connected. The hon. Gentleman had disclaimed all personal feelings in bringing this subject before the House. He did not accuse the hon. Member of being actuated by such motives; but if he had not been personal on this occasion, he had been, at all events, extremely local. He (Mr. Lowe) would not attempt to weaken what had been so well said by others in the course of this discussion; but this he would say, that if there were any department of the Government that deserved well of the country, it was the Board of Trade. This, at all events, he was entitled to say, for almost every one of the exploits alluded to by the hon. Member for Liverpool had been performed long before he (Mr. Lowe) had anything to do with it. He should now state in a concise way the benefits for which the community was indebted to the Board of Trade. The right hon. the Member for Oxford University, had, when Vice President of the Board of Trade, framed the calculations on which the tariffs of Sir Robert Peel were based. From that department had emanated the repeal of the Navigation Laws. Since then it had been engaged on less showy but not less useful measures. It had adopted a system of registration of ships, the effect of which had been to put the title to every vessel in the kingdom on the simplest, clearest, and most intelligible basis ; and he cordially concurred with what had fallen on that subject from the right hon. Gentleman the Member for Carlisle, when he said he hoped in that Act was contained the germ and the nucleus of what would eventually become the mode of transfer with respect to all the landed property throughout the country. The Board of Trade had also been instrumental in settling the question of the measurement of tonnage in the most satisfactory manner. It had introduced an examination of masters and mates with the greatest success. It had likewise established the agency of shipping offices, the object of which was to manage the affairs of the sailor in a perfectly trustworthy manner, and one that was exceedingly advantageous to his own interests. It had also introduced a system of money-orders, by which the sailor on receiving his money, instead of yielding to temptation and squandering it away on shore, was enabled to transmit as much as he liked of it to his wife and family at home. The result of that step was, that during the last nine months of 1855 no less a sum in the aggregate than £77,000 had been remitted by seamen in that way to their families and relatives; and in 1856 the whole amount so remitted was so large as £140,000. He was sure that was a statement which would be received with the greatest satisfaction by the House. Again, the Board of Trade had established savings banks with the view of assisting seafaring men to save their money. Those banks, however, had been as yet so short a time in operation that he could not give any very decided opinion upon their ultimate result; but so far as the plan had been tried, it appeared to work well. The Board had also undertaken the charge of the wages and effects of deceased seamen, formerly collected by the Mercantile Marine Fund, which afforded no very trustworthy security—with the view to distribute them equitably among their next of kin ; and in that way the Board collected, in 1856, £33,000, and distributed it without any expense whatever to the parties. It had also issued, at great pains and labour, elaborate instructions to consuls to be followed in all matters of difficulty relating to shipping, and which it was hoped would be of very considerable value. The Board had likewise, at the suggestion of his right hon. Friend (Mr. Cardwell), introduced a clause into the Mercantile Marine Act which altered the doctrine of salvage. Salvage was formerly paid, as the House was aware, only for the saving of goods, but by the clause in question it had been extended to the saving of human life. The number of lives lost by shipwreck of vessels belonging to the United Kingdom was, in 1852, 922; in 1853, 689; in 1854, 1,549; in 1855 (when the change in the doctrine of salvage took place), 469; and in 1856, 521. He thought that considering the great increase in our shipping these results must be very gratifying to the House, and that his right hon. Friend (Mr. Cardwell), who had been instrumental in bringing them about, was entitled to the gratitude of every humane man. Again, great improvements had taken place in lifeboats all round the coast. Then the Board of Trade had received from the Trinity House the management of the lighthouses, and on that subject the Board had remitted duties to the amount of £170,000, and had built twenty-two new lighthouses, while twenty-four others were now under consideration. He believed that he need not trouble the House any further. The House had now heard both sides, and he submitted that no case for a Committee had been made out. Of course the Board of Trade was liable to make mistakes, but no establishment was better seconded by its subordinate officers than that Board, and every one conversant with business knew what an important matter that was. The hon. Member for West Norfolk (Mr. Bentinck) declared that the hon. Member for Liverpool had made out his case, but it was very strange that the hon. Member, coming here to make a formal attack on the Board of Trade, should not have based it on any great principle, but on single instances of misconduct, carefully culled out, and occurring at various times and places, every one of which he (Mr. Lowe), unless he were greatly mistaken, had succeeded in answering. Upon the whole he submitted, unless he should be proved to be wrong in his statement, that he had entirely answered the hon. Member; but if he had not, that might be a reason for withdrawing confidence from those who had the management of the Board of Trade, but it was no reason for breaking up the constitution of the Board itself, by the means of which the country had obtained such enormous benefits, and intrusting its business to the care of any body of gentlemen, however respectable, who would be the representatives of particular interests. The effect of such an arrangement would be that which was always the effect of guilds, that they would look at matters from the point of view of their own particular trade. Though the interest of each particular trade was involved in the general interest, yet the guild never saw that, but tried to get something incompatible with the general interest, and formed a narrow oligarchy within the trade, until at last, by the combined opposition of the trade and the public, the guild was overthrown, and the true principles of commerce rendered triumphant. The Board of Trade had fallen into no such fault. Its fault was, that it had not conciliated particular interests at the expense of the public, but had endeavoured, by doing its duty manfully, to carry out properly the functions intrusted to it by Parliament, being quite convinced that under such circumstances it would receive the support of the House.

MR. BASS said, the House had been assured by competent authority that the objections made by the hon. Member for Liverpool had been entirely answered, and therefore he would not go very fully into the subject. He thought it must be satisfactory to the public to have an administrative department so near perfection, and, as it would appear from the speech of the right hon. Gentleman that nearly every benefit the country could boast of was to be traced to the Board of Trade, he was only suprised that the right hon. Gentleman had not among other things claimed for the Board of Trade the credit of abolishing the Corn Laws. The right hon. Baronet, after highly praising the Board of Trade for its statistics, deprecated any attempt to give the country the benefit of agricultural statistics. Now, it appeared to him that nothing could be of greater advantage to the country than satisfactory statistics with respect to the great agricultural interest, and he was satisfied that they might easily be obtained, for he did not believe that the farmers would hesitate to give information for the purpose. It would be for the hon. Member for Liverpool to decide whether, after the discussion which had taken place, it would be advisable to press the Motion to a division, but he for one thanked the hon. Member for bringing forward the subject.

MR. J. C. EWART said, that if the business of the Board of Trade had been carried on as it was in the days of Mr. Huskisson no complaint would have to be made, but since that time, they had improved most vexatious rules and regulations, which had acted as a sore and blister upon trade. Though he confessed that he thought no person connected with trade ought to be a member of the Board, yet he would suggest to the right hon. Gentleman (Mr. Lowe) whether the Board ought not to have Gentlemen intimately associated with the Board who from past experience understood the trade of the country. Whether his hon. Colleague divided the House or not, he (Mr. Ewart) believed that the debate would result in great benefit to the trade and commerce of the country.

MR. HADFIELD said, that at the last general election the right hon. Gentleman the Vice President of the Board of Trade had been invited to stand for Manchester, and if he had done so would have been returned. The reason of this was the quarrel raging between Liverpool and Manchester and the other manufacturing towns of the north. The House would have no rest until the quarrel was settled. It was an injustice and a wrong that Liverpool should draw £150,000 a year from the towns of the north for her police, lighting, and halls. When such a question was pending it was no time to make a change in the Board of Trade; let it exercise all its influence to settle this great question.

MR. HORSFALL, in reply said, that in reference to an observation which had fallen from the right hon. Baronet the Member for Carlisle, he denied that he had made any attack on Mr. Huskisson. He had been a strenuous supporter both of Mr. Huskisson and Mr. Canning, and he wished it could be said that the right hon. Baronet had been as consistent a supporter of those great men. [Sir J. GRAHAM said, he had uniformly supported them.] His impression was that the right hon. Baronet, who had represented so many places and held so many opinions in this House, had been both a supporter and opponent of their policy; but of course, after the assurance of the right hon. Baronet, he must be mistaken on that point. He thanked the Vice President of the Board of Trade for the good humour with which he had replied to his observations, but he was incorrect in saying that he (Mr. Horsfall) had sneered at the noble Lord the President of the Board. He had particularly guarded himself against such a charge, by observing that he should refer to that noble Lord, as well as to the right hon. Gentleman himself, with the utmost respect. The right hon. Gentleman said that no case of injustice had been brought forward. He would, however, bring forward many if the Committee were granted, though he did not choose to take up the time of the House by detailing every case at the present moment. There were, however, a few of the general observations of the right hon. Gentleman, which he felt bound to notice. The captains of merchant ships conceived that they were not tried by a proper tribunal; and he thought the Government and the Board of Trade ought to endeavour to remove that feeling. He regretted that when a question was put to the right hon. Gentleman (Mr. Lowe) on this subject the other evening, he said he was not aware that any intention existed on the part of the Government of proposing an Amendment of the Mercantile Marine Act. It would have been much more satisfactory had the right hon. Gentleman stated that if a substantial case of injustice could be established the Government would give the subject careful consideration, with a view to the amendment of the law. With reference to the guano traffic the right hon. Gentleman assumed that because the lessees resided at Liverpool the shipowners at that port were endeavouring to monopolize the trade. That argument was most absurd. It was true that the lessees, to whom a monopoly had been improperly granted, were a Liverpool firm, but there was no desire on the part of the Liverpool shipowners to exclude from the trade vessels sailing from London or any other port. He (Mr. Horsfall) had been accused by the right hon. Gentleman of making this a Liverpool question. It would doubtless have been considered somewhat extraordinary if he had entered into the complaints which were made at Southampton and other seaports of the kingdom, and he had thought the proper course was to confine himself to circumstances which had come under his own observation. This was not a local question; it was a national question; and

Mr. Horsfall

whatever the decision of the House might be that night, the matter could not rest as it was. The right hon. Gentleman had spoken with some degree of contempt of the local Marine Board of Liverpool, and had intimated that that "guild" was not a fitting tribunal to decide upon the cases to which reference had been made; but the right hon. Gentleman's objection seemed somewhat disrespectful to his colleague the Secretary for the Colonies (Mr. Labouchere), by whom the Board had been established. He (Mr. Horsfall) thought no answer had been given to the case he had submitted to the House. It was true they had heard from the right hon. Baronet (Sir James Graham) a long argument in favour of free trade, which might have been very appropriate ten years ago, but which had little bearing upon the present question, as free trade was now a settled fact. The right hon. Baronet claimed for the members of the present Board of Trade the credit of the measures which had been proposed by Mr. Huskisson, Mr. Cardwell, and others of their predecessors in office. Why, with just as much propriety, he (Mr. Horsfall) might, as the successor of Mr. Huskisson in the representation of Liverpool, claim credit for the measures of that right hon. Gentleman. It had been assumed that he wished to place the Board of Trade under the control of a man of business engaged in commerce. Such an idea never entered his mind, but he certainly was of opinion that a gentleman of some commercial experience should be connected with that Board, and he hoped the House would support him in asking for a Committee upon the subject.

Question put, and *negatived.*

THE WORKING CLASSES.

COMMISSION MOVED FOR.

MR. SLANEY, in moving for a Standing Committee, or unpaid Commission, to consider and report, from time to time, on practical suggestions (free from party differences) to give facilities for improvement in the social condition of the working classes, said, that his proposal, although unusual in form, was founded in justice, but he was induced to make it from having himself sat on a Commission to inquire into the condition of the working classes, when he had become well acquainted with their wants. All he asked was to have a Board to listen to any suggestions which might be made for the benefit of the working and humbler classes, and to adopt such of them as they thought would be conducive to that end. Such a measure was rendered necessary by the great changes which had recently taken place in the position of the humbler classes in this kingdom. The debate which had just occurred had shown what an immense increase there had been of late years in the commerce, the manufactures, and the trade of the country; and surely it was most desirable that measures should be adopted for promoting the welfare of those humbler individuals who, by their activity, industry, and enterprise, had contributed to the national prosperity. He found that within the last half century the increase of population had been at the rate of fifteen per cent every ten years. The increase had been three times as great in the large towns as in the rural districts, and the consequence of this was that in the former the working classes were confined within the narrowest limits, and lived in close courts and other places, which were most injurious to health and morals. There were three causes to which the accumulation of large multitudes of these classes in great towns could be traced. First, the great subdivision of labour, which resulted in increased wealth and power to the higher and middle classes: secondly, the application of steam to our manufactures, which had the effect of transferring a large portion of the population from the southern districts of the country to the districts embracing the coal-beds of the north. While the population in the southern districts had only increased 10 per cent, in the northern parts of England it had increased between 30 and 40 per cent. The third cause was the railway system, which gave great facilities for carrying the raw products of the country to the large manufacturing towns; and, while it consequently brought the poorer classes into the towns, had taken out their natural guardians and protectors, the middle and upper classes. At the eastern end of London, where the people were crowded together in close contact, without any measures being adopted by the authorities for their health and comfort, there were twice as many deaths as there were at the west end, and twice as many widows and orphans. That arose in a great measure from the neglect of those provisions for health and comfort which might be cautiously and gradually carried into effect by the Board he proposed. He did not propose to name the members of the Committee or Board for which he asked. He trusted the right hon. Baronet the Home Secretary or the noble Lord at the head of the Government would undertake that task; but he would suggest that it should consist of some Members of that, and perhaps of the other House of Parliament, and of some persons interested in the welfare of the labouring classes. It would only need a secretary or clerk, which would not cause much expense, and he had no doubt that volunteers would be found in that and in the other House of Parliament who would willingly give their time to suggest courses and carry out suggestions, such as he had alluded to. The object which the Board would have to consider would be briefly—First, to remove legal difficulties, and suggest such slight changes in the law as would be necessary for the relief of the poor people who were now in such close contact in different quarters. The principle had been applied already in the Acts to give facilities to raise rates for baths and washhouses, all of which had been carried out by the efforts of benevolent individuals in that House and elsewhere. If they had the advantage of a definite Board or Committee, there would be many who would afford them assistance; and instead of a measure of amelioration being delayed for a quarter of a century, it would be carried into effect in a much shorter time, to the great advantage of a great mass of our humbler fellow-subjects. Such a Board would concentrate the efforts made by benevolent individuals, who would willingly act in concert, if they had direction and assistance. It would report and give means and method to the efforts of philanthropy. He conceived that if they reported in favour of any given improvement, that a certain amount was necessary to be given by donations, that then a large majority would be able to bind a small minority, and be able to carry out that improvement. He believed funds would flow in liberally for such objects if they were only brought forward and directed by a Board. Another object of the Board should be to enforce neglected duties, and point out the means by which those duties to the working classes which are now neglected should be carried out. He felt assured that the working classes would be grateful for any measure such as that which he proposed. The rich had their clubs and botanical and zoological gardens, and those gardens and clubs were supported by small subscriptions, and why could not the same principle be extended to the working classes? There had been a Board of Agriculture, and that had been of great benefit to the landowner. They had a Board of Trade, which had been of great advantage to the commerce of the country; and he now asked for a Board which would be of advantage to the labouring classes. He trusted the noble Lord at the head of the Government would turn his attention to the subject, and give his consent to either a Board or a Standing Committee, by whom evidence on this important subject could be received and digested.

Motion made, and Question proposed, "That, in the opinion of this House, a Standing Committee, or unpaid Commission, be appointed to consider and report, from time to time, on practical suggestions (free from party differences) to give facilities for improvement in the social condition of the Working Classes."

Sir GEORGE GREY said, that his hon. Friend had alluded but slightly to his own exertions in former Parliaments on behalf of the working classes, and he wished to bear testimony to the efforts of his hon. Friend to promote the welfare of the working classes; but at the same time, he was bound to consider what would be the practical effect of the plan now proposed. The proposal was not new; it had been brought forward by his hon. Friend in a previous Parliament, and he (Sir G. Grey) had then stated the objections he entertained to it, which objections had been in no degree removed. The proposition for the appointment of a Standing Committee by that House, or a Commission to consider any proposal that might be brought before it for the benefit of the working classes, was not one that if carried into effect, would lead to any good practical result, nor did he consider that it would be advantageous to the object which his hon. Friend had in view, nor was it indeed necessary. His hon. Friend had alluded to various measures, such as the Factory Acts and Lodging-house Act, and had expressed an opinion that those Acts had been retarded by the want of such a Board as he proposed. Now, for his own part, he considered that it was much more desirable that Acts of that nature should be considered separately by a Committee of that House than by a Standing Committee. The House would be unwilling to delegate its functions on such important subjects to any Standing Committee. Besides, no single Committee could be competent to deal with all those subjects in the manner necessary, if their inquiries were to be attended with any practical result. During the present Session a Committee had been appointed on the Motion of the hon. Member for Youghal, to consider the propriety of extending the provisions of the Factory Act to bleaching and dyeing establishments, and he believed that the persons interested in that measure would much prefer the subject being investigated by a Committee of that House than by a Standing Committee or Commission, as proposed by his hon. Friend. The Factory Act and the Lodging-house Act afforded an instance that a Board such as that now proposed was not necessary to induce the House to legislate upon such subjects, and he believed that it would be better to adhere to the practice which had hitherto existed of hon. Members bringing under the notice of the House those matters of this nature in which they took an interest, and moving that they be referred to a Committee of the House. He was afraid, also, that the proposal of his hon. Friend would give rise to expectations which might not be realized, and would thus produce a great amount of disappointment. Experience had shown that the system which had hitherto prevailed, had been conducive to the interests of the working classes; and he hoped, therefore, that his learned Friend would not press his Motion.

Mr. SLANEY said, that after what had fallen from the right hon. Gentleman, he should not proceed with his Motion.

Motion, by leave, *withdrawn.*

ALEHOUSE LICENSING BILL.

COMMITTEE. LEAVE. FIRST READING.

On the Motion of Mr. Atherton, Act read.

Mr. ATHERTON moved, that the House do go into Committee to consider the said Act.

Motion *agreed to;* House in Committee.

Mr. ATHERTON rose to move, that the Chairman be directed to move the House. That leave be given to bring a Bill to explain and amend the Act to regulate the granting of licences to keepers of inns, alehouses, and victualling houses, in England. The Bill, he said, would be rather a declaratory Bill, to define what the present law really was, than designed to introduce any radical or important change. The system of licensing was regulated by the 9th of *Geo.* IV., cap. 61, the principle of which was, that the power of granting licences should be placed in the hands of local justices of the peace. Now, the object of the Bill which he asked for leave to introduce was, to remove all doubt as to the law, and so to frame it, that in boroughs in England having a separate commission of the peace, but not a separate court of quarter sessions, the borough justices should be licensing justices. There were three distinct classes of magisterial jurisdiction. There was the county jurisdiction in which the power rested unquestionably with the county justices; there were the boroughs, established under the Municipal Reform Act, where there was a separate commission of the peace, and a separate court of sessions—and here, undoubtedly, the borough justices were the persons to grant the licences; and there was another class of boroughs which had a separate commission, but had no distinct quarter sessions, and it was with regard to them that the doubt had arisen. To show how important was the subject, he might state that there were no less than seventy-seven boroughs in England which answered to that description, and which were represented in that House by ninety Members. Practically speaking, in seventy-one out of those seventy-seven boroughs, it had been assumed that the law actually was that which he now sought to make it, inasmuch as the borough justices had within those boroughs exercised a licensing authority. It had of late, however, been suggested that it might possibly be so determined in the courts of law, upon a strict construction of the Act of *Geo.* IV., that the county justices were the licensing justices within the boroughs in question, and that the borough justices had no jurisdiction of that nature within them. Now, that was a state of things which would be clearly at variance with the spirit of the Act, inasmuch as the House must be well aware that the borough justices, as being the magistrates who sat upon the bench in those towns from day to day, and who had laid before them all complaints preferred against the proprietors of public-houses, were, as a consequence, the fittest tribunal to decide whether a licence should or should not in a particular case be granted. Great inconvenience resulted from the present system, and not the least was that which had been described by Lord Kenyon as "the indecorum of a race for jurisdiction" as prevailing between the county and borough magistrates in particular cases. The subject was one with respect to which he had received various communications from towns in the north of England; it was one of considerable importance, as, if the doubt which at present existed with regard to the licensing of borough justices were well founded, then all innkeepers who held licences from such justices were liable to be proceeded against for a penalty of £20, and he therefore trusted the House would accede to the Motion.

Sir GEORGE GREY said, he should offer no objection to the introduction of the Bill, but he at the same time felt bound to say that he had received no representations to the effect that the result of the existing system was—as the hon. and learned Member had stated—a race for jurisdiction between the county and borough magistrates. He had not been aware, until he had heard the observations of the hon. and learned Gentleman, that any doubt existed as to the jurisdiction which ought to be exercised in the instances to which reference had been made. When the Bill was before the House, however, they would be in a position to form a better judgment upon the question.

Resolved, "That the Chairman be directed to move the House, that leave be given to bring in a Bill to explain and amend the Act to regulate the granting of Licences to Keepers of Inns, Alehouses, and Victualling Houses in England."

House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FitzRoy, Mr. Atherton, and Mr. Warren.

Bill read 1°.

MARRIED WOMEN'S REVERSIONARY INTEREST BILL.

LEAVE. FIRST READING.

Mr. MALINS in moving for leave to bring in a Bill to enable Married Women to dispose of Reversionary Interests in Personal Estate, stated that it was the same measure which had passed through the House of Commons in the years 1854 and 1856 withhout opposition, but which had failed to pass through the other House of Parliament, from the circumstance that he had not been able to induce any noble Lord in that House to move the Second Reading, owing to the influence of the only person who opposed, a noble and learned Lord of great legal eminence. He had, however, been more fortunate this Session, and he had every reason to hope that, under the auspices of the noble Lord who had undertaken to move the Second Reading, the Measure would be successful. The Bill related solely to the reversionary interests of married women in personal estate. As the law at present stood, a married woman had full power to dispose of real estate, whether in possession, reversion, remainder, or contingency. The House was doubtless aware that as the law now stood, the wife could, by executing a simple deed, with the consent of her husband, dispose of her real estate, just as though she were an unmarried woman, but with reference to personal property, in expectancy, the law was different, for although the husband and wife might be equally anxious to dispose of reversionary property, or to effect a loan or a mortgage upon it, such was the existing state of the law, that those steps could not be taken in the case of the wife, except liable to the condition of her outliving her husband, and the husband was equally powerless, unless in the event of his surviving his wife. The practical inconvenience which followed was this—that loans or mortgages could only be effected upon the most unfavourable terms, and whereas the law of England tended to make property alienable, this particular species of property was virtually rendered inalienable. There was no reason why the principle of the law which applied to real estate should not apply to reversionary personal estate, and the object of the Bill which he proposed to introduce was to correct the anomaly. Therefore, it would still, supposing the Bill to pass, be impossible to alienate such property without the wife's assent; but with that assent—taken, be it observed, separate and apart from the husband—it would be possible, as it ought to be, to deal with it. The Bill was not opposed by the Government; indeed his hon. and learned Friend the Attorney General had informed him that, if it did not pass this Session, he should himself embody its principle in a Government measure, and introduce it on a future occasion.

The ATTORNEY GENERAL thought that the public at large would be greatly indebted to his hon. and learned Friend if he succeeded in passing this Bill into law, for it would remove a great anomaly, which was not, in truth, a legitimate deduction from the law of England, but which had grown up out of a decision now too old and too frequently followed to be reversed by anything but Parliamentary interference. The result of this anomaly was that a married woman might be the owner of the reversion of £40,000 or £50,000 contingent on her outliving her husband, and yet not be able to raise a shilling for her immediate use.

Leave given.

Bill *ordered* to be brought in by Mr. MALINS and Mr. MULLINGS.

Bill read 1°.

DUCHY OF LANCASTER— MR. BERTOLACCI.

SELECT COMMITTEE MOVED FOR.

MR. CONINGHAM, in moving for a Select Committee to inquire into the statements contained in the Petition of Mr. Francis Robert Bertolacci, praying for an inquiry into the proceedings of certain functionaries of the Duchy of Lancaster in preventing him from exercising the rights, powers, and privileges of the office of Auditor of the Duchy, and in superseding him by a near connection of the Receiver General to audit that officer's accounts, such Committee to consist of five members to be appointed by the General Committee of Elections, said that as the Government did not mean to oppose the Motion, he should content himself with stating that he brought forward this question entirely on public grounds and in the interest of public justice. All that he sought was a full, searching, and public investigation into the statements of Mr. Bertolacci, and he had such faith in that gentleman's truth and integrity that he felt assured he would pass honourably through that ordeal. He wished to explain that as the number of members to serve on the Committee had been printed five instead of seven, he trusted he should be allowed to retain the power of adding two members in order to make up the latter number.

LORD CAVENDISH seconded the Motion. He said he was nearly related to one of the individuals whose conduct had been impugned by Mr. Bertolacci. The public were much indebted to the hon. Member for bringing forward the facts of this Petition, and no one was more grateful to him than the relative to whom he had referred (Earl Granville). The individuals whose conduct had been impugned were Lord Granville, the Duke of Newcastle, the Earl of Harrowby, and one or two others. Had he been present on a former occasion when the hon. Member brought this subject forward he should have pressed on the part of his relative for an immediate inquiry, and he had now to state on his part that his only desire was that as full and searching an investigation as possible should be made. He was at the present moment prepared to show the utter falsity and groundlessness of the charges that had been brought forward, but it was thought better that the case should not be gone into now. His relative preferred to go before a Committee of that House, believing that the facts as they would appear when he was examined before the Committee would be the best answer to these charges. He had now only to express a hope that the Committee would be so chosen that no doubt could be entertained of its impartiality towards the accused individuals, and that whatever conclusion the Committee arrived at they would not shrink from declaring. For these reasons he had great pleasure in seconding the Motion.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the statement set forth in a Petition from Mr. Francis Robert Bertolacci, praying for an inquiry into the proceedings of certain functionaries of the Duchy of Lancaster in preventing him from exercising the rights, powers, and privileges of the office of Auditor of the Duchy, and in superseding him by a near connection of the Receiver General to audit that officer's accounts, such Committee to consist of five Members to be appointed by the General Committee of Elections."

HOP DUTIES—COMMITTEE.

MR. KNATCHBULL-HUGESSEN moved that this Committee consist of sixteen members, and that Sir Brooke William Bridges be added to the Committee.

Motion made, and Question proposed, "That the Select Committee on the Hop Duties do consist of sixteen Members."

MR. FITZROY reminded the House that there was a Standing Order against the Motion, and that some special reason ought to be shown for proposing it.

MR. DODSON said, that there were four Members for Sussex on the Committee, and only three for the county of Kent.

COLONEL WILSON PATTEN recommended that a Sussex Member should be struck off the Committee rather than that an additional member should be appointed. There was at present a paucity of hon. Members to serve on Committees, in consequence of the numbers required for Election and other Committees.

MR. STAFFORD could not understand why the Government had consented, upon the Motion of one of their own friends, to grant this Committee, when they had, Session after Session, refused to grant it when asked for by Mr. Frewen. It was then opposed because it interfered with the revenue; and as he represented a constituency which, although not interested in hops, was greatly interested in the question of the malt duties, he should like to move it as an instruction to the Committee to enter into the question of malt as well as hops. He thought the Government ought to give some explanation of their reasons for consenting to the appointment of this Committee.

MR. BENTINCK said, he joined in the same request for explanations.

THE CHANCELLOR OF THE EXCHEQUER said, he was in his place when the Committee was agreed to on a previous night, and would have been ready to give any explanation on the part of the Government to any hon. Gentleman who wished for it. But the Motion for the Committee not originating with him, but simply receiving his assent, he had not felt it incumbent upon him, unasked, to offer explanations in regard to it. It was well known that the mode in which the hop duty was levied had from time to time given rise to great dissatisfaction; and not long ago he had an interview with a deputation of gentlemen from the counties of Kent and Sussex, who applied for a remission of this tax, or for an extension of the time of paying it this year. After due consideration, he felt it his duty to grant an extension of two months beyond the month of May last. A new question had also been raised, principally by persons connected with the county of Kent,—namely, that the present mode of levying the duty should be commuted from a charge per pound to a charge on the acreage—a proposal which seemed to excite some interest, and which might very fairly be investigated by a Committee. Many hon. Members belonging to the hop districts wished for such an investigation, and he did not conceive that he ought to oppose the appointment of the Committee inasmuch as he did not understand that any revenue would be endangered thereby. The question now before the House, however, was whether the Members of the Committee should be increased to sixteen; and as far as this particular case was concerned the point was not one of much importance. But it was important that, without reason assigned, they should not depart from the general rule limiting Committees to fifteen members. He believed that the Committee, as originally nominated, was not unfairly constituted in regard to the hop districts generally; and, seeing that they had one representative for the eastern division of Kent already, he doubted whether there was any good ground for an addition to the number.

Mr. KNATCHBULL-HUGESSEN said, if he had expected any opposition on the part of the Government he should have objected to the constitution of the Committee when it was originally proposed. There had always been considerable difference of opinion between the hop-growers of Kent and those of Sussex, the one party advocating the entire repeal of the duty, and the other asking only for its modification. All he desired was to see the planters of each district fairly represented; and he hoped that the understanding which had been previously come to would be kept.

Sir JOHN SHELLEY thought it ought to be remembered that this was a consumer's as well as a producer's question. The hop duty operated detrimentally on agriculture; and in these days of free trade the farmer ought to be allowed to cultivate what crops he pleased.

Question put,

The House *divided:*—Ayes 35; Noes 112: Majority 77.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, June 5, 1857.

Minutes.] *Took the Oaths.*—Several Lords.
The Lord Cowley, having been created Earl Cowley—Was (in the usual Manner) *introduced.*
Sat First in Parliament.—The Duke of Portland, after the Death of his Father.
Public Bills.—1ª Roman Catholic Charities; Princess Royal's Annuity; Ministers' Money (Ireland).
2ª Hereford Cathedral Restoration.
3ª Probates and Letters of Administration.

MERCHANT SHIPPING ACT.

PETITION. QUESTION.

The Earl of ALBEMARLE *presented* petitions, from Merchants, Shipowners, and others connected with the ports of Bristol and from Southampton, for the amendment of the Merchant Shipping Act. The petitioners were not unfriendly to the principle of the Act. They considered it desirable that the laws relating to the mercantile marine should be consolidated into one Act, and that proper precautions should be taken to secure a right description of vessels, and a proper description of persons to command them; what they contended for was, that there were clauses in the Act which rendered it nugatory in these respects. They complained of the cumbrousness of the Act, which consisted of 548 clauses, many of them so prolix and complex that no seaman could be expected to understand them. Then, on the subject of limitation of liability, which was contained in the ninth part, they stated that the 504th clause declared that no shipowner should be liable for any damage done to property or life beyond the value of the ship and the value of the freight, and that in no instance was that value to be taken at less than £15 per registered ton; while by the 510th clause, in case of life or injury to the person, the liability was limited to £30 in each case; but this limitation was rendered a nullity by the 511th clause, which provided that parties not satisfied with the statutory award might have recourse to an action in a court of law; so that the shipowner was liable to two several actions for every passenger who might be lost or injured. The petitioners admitted the principle that the shipowners should be liable to penalties proportioned to their responsibility, but they objected to the unlimited responsibility laid down in the Act. Foreign ships were generally exempt from the liability to which British merchant ships were exposed, and especially the American mercantile marine, which was our greatest competitor. The total tonnage of British shipping was nearly 4,000,000 tons, and the American tonnage was about the same, but being free from liabilities to which English ships were exposed, it was natural to find the former increasing more rapidly than the latter. These provisions acted as a premium in the employment of American shipping in preference to British. In consequence of the liability not being defined, it was difficult for shipowners to insure, and therefore the Act tended to deter men of capital from entering into the passenger trade, which was left chiefly in the hands of speculators. Thus, the very clauses which were intended to protect the interests of emigrants were found to operate to their disadvantage.

Another point of which the petitioners complained was the construction of the tribunals which tried cases under the Act. The objections were that such a court was arbitrary, not recognized by the law of the land, and, inasmuch as its decision was not final, the effect was to prejudge the case. The court consisted of two magistrates, aided by a nautical assessor, who in nineteen cases out of twenty was a post captain in the Royal marine. The petitioners objected to justices of the peace as being totally unacquainted with nautical matters, and to naval officers on account of the antagonism which prevailed, or was supposed to prevail, between the Royal and the mercantile marine. In some countries abroad similar courts existed, but were composed in a different manner, there being two officers of the mercantile marine and one officer of the Royal Navy—an arrangement which was found to work well and satisfactory to all parties, they therefore suggested some such constitution for the courts of this country. Having stated the objections which were entertained by the petitioners, he would ask the noble Lord at the head of the Board of Trade the Questions of which he had given notice—whether they intend to introduce any measure to meet the requirements of the shipowners; and, if not, in what other way they mean to grant relief.

LORD STANLEY OF ALDERLEY said, he had listened to the noble Earl with much attention, and, as far as he could understand, the grievances complained of were, first, that the present Act, being a consolidation of all the laws on the subject, was a very large and extended Act, containing 548 clauses. That was not very surprising, considering that the consolidation comprised not less than 120 or 130 Acts of Parliament relating to merchant shipping. He believed there never was a consolidation of laws made with greater ability, or that had met with more general approbation. At the same time he must say that the Act, though lengthy, was not obscure; for it had been so arranged under distinct heads, that a person wishing to know what the law was, might at once obtain any information he required. The chief objection of the shipowners, however, appeared to be their liability for loss of life under what was called Lord Campbell's Act. They had little reason for so doing, for that Act merely gave to the relatives of the deceased the same power of recovering damages which, by the common law of the land, the deceased, if he had been alive, would have been able to recover for any injury which he might have sustained by the negligence or misconduct of any person engaged in carrying him from one place to another. By the law previously existing the shipowner was liable to the value of ship and freight for any injury done to property by collision, and by the law which was now complained of, to the same extent only was he liable, in case of loss of life from wilful negligence on his part. In the Merchant Shipping Act two modifications had been introduced. The one case was when a number of poor people went out in a vessel, when, as it might be extremely difficult for them to institute a separate suit for each particular person, it was provided that the Board of Trade should make a claim on the part of all the parties for any misconduct on the part of the master, or for any damage sustained by his negligence. And when such claim was established, the Act limited the maximum amount to £30 for each person; and the total amount which could be so claimed against a shipowner was limited to the full value of the ship and of her freight. By that limitation the shipowner was placed in a better situation than railway companies or any other persons whatever. So far, therefore, from the shipowner having any right to complain of the Act, he thought railway companies had a right to complain that they were not placed on the same footing as shipowners. In regard to the complaints of the constitution of the Naval Boards, it was difficult to constitute any other courts equally available and competent to discharge the duties of such inquiries, which, on the whole, were satisfactorily performed. Those courts were of two descriptions — the local Marine Boards, composed of the principal merchants of the different ports; and the other Boards of two ordinary or stipendiary magistrates, assisted by a nautical assessor, to give them such professional information as they required, to enable them to come to an accurate decision. In all ordinary cases, such as drunkenness, they had invariably been tried before the local Marine Boards. In the case of wrecks the matter was submitted to the magistrates, assisted by the nautical assessor. In the more grave cases that officer had been sent from the Board of Trade. When the decision was given, it was referred to the Board of Trade, and either confirmed or mitigated, as the circumstances of the case appeared to demand. He believed these courts were as competent to fulfil their duties as any court could be. They were similar in construction to the Admiralty Court, which also required professional assistance from the elder Brethren of the Trinity House. He did not believe there was any ground for an alteration of the law. In all the cases tried, both of wrecks and of cancelling certificates, no one case had been yet brought before the attention of the Board of Trade, as showing that injustice had been done, or that any of the reports of those courts had not been founded fairly on the evidence brought before them. He was not, therefore, prepared, as at present advised, to introduce any alteration in the law.

The Earl of HARDWICKE said, that the statement just made by the noble Lord the President of the Board of Trade, left no hope that, as far as the Government were concerned, any inquiry would be made into the operation of the Merchant Shipping Act. That an inquiry would be made he was perfectly confident, believing that their Lordships, in the absence of action on the part of the Government, would think it right to appoint a Select Committee on the subject, as was the prayer of one of the petitions. After going through the details of the Act, he was convinced that some of the demands of the petitioners could not reasonably be refused, while there were various points not mentioned in their complaint which ought to be investigated. Both the merchant service and the public were of opinion that the existing Act ought to be reconsidered and revised, without party prejudice on one side or the other. The former had no objection to be placed under any law which would extend to the latter security for their persons or property in their conveyance from port to port. But, as stated in the petitions, they complained of various provisions in the Shipping Act which bore hard upon them without benefiting the public. The first point which struck him in the objections of the petitioners was, that respecting the court before which offences, whereby danger to life and property in ships were incurred, were to be tried. The petitioners complained, not so much of the tribunal itself, as of the mode in which the proceedings were conducted. He could not conceive anything more reasonable than their request for a court of appeal, and he thought that such a tribunal of ultimate resort could be found in the Admiralty Court as would give every satisfaction to the merchant service. He denied entirely that the merchant service objected to the naval assessor, but they required a court composed of practical seamen who understood all the details of the question, and were competent to determine the cases brought before the tribunal. It was very natural that if they found the Judge unacquainted with the technical points of the mercantile service they should object to the court. They also complained of the system of inspection. The Act of Parliament empowered the Board of Trade to inspect the engines and boilers of the steam vessels to ensure the safety of the ship, and they exercised a power of passing or rejecting them. He did not object to that, because he thought it highly necessary that some such power should be vested in a department of the Government. There were many things that could not be carried out in detail by an Act of Parliament, and therefore it was highly proper that some competent person should be appointed to look into those details. But then, again, he thought there ought to be some appeal from the decision of an inspector, who was guided by certain rules and regulations laid down in his instructions which sometimes operated both to prevent a new design and inflict injustice upon the manufacturer. As an instance of this, he might mention the fact that one manufacturer had made a boiler intended to bear a pressure of 12 lb. upon the square inch, and had tested it to 50 lb.; but on examination by the Government inspector it was rejected, because it was not fitted with certain stays in the inside as prescribed by the regulation, the real object of the maker being to dispense with them for the purpose of giving greater facilities for cleaning, which was most important. They could easily understand the irritation of a man who had his boiler rejected when it was at least four times as strong as it need be, and when he had effected an improvement in its construction. He thought that in such cases there should be some court of appeal, in which the improvements might be shown and the boilers passed, although condemned by the inspector in consequence of not fulfilling certain verbal and, in their case, unnecessary regulations. The present system certainly afforded facilities for jobbing—not that he would utter a word against the inspectors; but it was very easy for the builder, or some one acting for him, if he found that during the examination the machinery was, to use a technical phrase, "fatigued," to drop a little oil here and there without the cognizance of the inspector. He assured their Lordships that these regulations were so offensive to the merchants and ship-builders, that in Glasgow some of the ship-builders had absolutely offered to submit their plans to the inspector before the ship was built, well knowing that it would be useless to proceed with the work unless upon such a plan as would secure the approval of that functionary. He was of opinion, that if these objections could be remedied by a short Act of Parliament, such a measure ought to be brought in by the Government; but if not, then it would be necessary for a revision of the whole of the Merchant Shipping Act by means of a Select Committee.

Lord STANLEY of ALDERLEY said, the noble Earl had entered into a great deal which did not appear on the face of the petitions, and he could only say that if he thought it would give general satisfaction he would give a favourable consideration on the part of the Government to the suggestion for giving an appeal from the court below to the naval or the Admiralty Court. The Admiralty Court might, if it was approved of, be constituted a final court of appeal on such matters. With regard to the inspectors, they were at present chosen from a class entirely unconnected with trade, for the very purpose of avoiding prejudice which might otherwise arise in the minds of others if appointed to so delicate an office. The present system of tonnage which had been adverted to had been instituted after a communication by the Government with the Admiralty, Lloyd's, and Trinity House, the highest authorities in the country upon such a subject.

The Earl of ELLENBOROUGH said, the extent to which they would give an appeal was a matter for their most serious consideration. He confessed that generally speaking he was not favourable to instituting appeal courts in this country, his view being that they should make the original court such a one as could be fully relied on. One of the great complaints was the delay occasioned by the inspection. How much would that delay be increased by the introduction of appellate jurisdiction? It would never be forgotten that this measure, which was one of consolidation, was only passed after a most protracted and anxious consideration by the House of Commons; it was only passed two or three years ago, and, in his opinion, it would be wrong, after so short an experience of its effects, to meddle with the measure.

Lord CAMPBELL called the attention of their Lordships to the hardship inflicted upon persons possessing manorial rights by certain provisions in this Bill, which compelled persons claiming such rights to produce all their title deeds and other evidence before being allowed to touch a single thing thrown upon their estate as a waif or wreck. He happened to possess an estate in Ireland, and the other day was served by a notice from the inspector, on the part of the Crown, calling upon him to state whether he meant to claim wrecks, and if so, on what right he based his claim in opposition to the Crown. He was then told that this inquiry arose out of the Act for consolidating the laws relating to the mercantile marine. All he could say in reply was, that he obtained his estate under the Incumbered Estates Act, and upon that Act he must repose.

Lord REDESDALE said, the position now assumed under the Act in question, on the part of the Crown, with respect to wreck which had drifted ashore was most unfair, inasmuch as each proprietor of land bordering on the sea was now called on to prove his title to wreck to the satisfaction of an officer of the Crown, who was, in point of fact, the claimant against him. A man might be now exercising by prescription the right to wreck cast ashore on his estate, but by this Act he ran the risk of incurring a heavy penalty by continuing to do that which he had done for years, and which had been done by his ancestors before him, under colour of that prescriptive title. Such a case of injustice was never before perpetrated by an Act of Parliament that he was aware of, and nothing short of the absolute repeal of the clauses in the Act in reference to wreck was required by the commonest principles of justice.

Lord STANLEY of ALDERLEY was understood to say that it was not made compulsory on the lords of manors to produce their title deeds, and that it was only in cases where the right to wreck was not claimed by any other person that the Crown stepped in to exercise it. If a man claimed the right, he was called on to produce his title, but it was not compulsory on him to do that; and if he failed to do so, the question of the right remained to be settled by the legal tribunals of the country.

Earl GREY said, his recollection entirely bore out what had been stated by the noble Earl opposite (the Earl of Hardwicke). He (Earl Grey) knew that on his own estate wreck had always been claimed by him; but he had recently received a peremptory notice that, if he continued to claim that right, he would be called on to show his title.

The Earl of DERBY said, he had been called on in precisely the same manner to show his title, and his neighbour, the Earl of Sefton, had received a similar notice in respect of that part of his estate, situate near Liverpool. Although in his (the Earl of Derby's) case the value of the wreck was very inconsiderable, the right to the property between high and low-water mark was involved in the question.

Lord WYNFORD stated that this question assumed additional importance when it was borne in mind that the clauses in question applied, not only to the coast, but to the shores of navigable rivers, and that in both cases the lord of a manor was liable to be called on to show his title.

Lord BROUGHAM, adverting to what had fallen from a noble Earl (the Earl of Ellenborough), said he must protest against the notion that appeals were generally to be disfavoured. At the same time, the best course was to make their original court as perfect as possible, so as to render appeals unnecessary.

Petition to lie on the table.

PROBATES AND LETTERS OF ADMINISTRATION BILL.

THIRD READING.

Order of the Day for the Third Reading read.

Earl STANHOPE asked the noble and learned Lord on the woolsack whether he did not think that an inconvenient increase would be made to the judicial business of their Lordships by the change introduced in Committee in the 37th clause of the Bill, which would constitute the House the Court of Appeal under the measure? He would remind the noble and learned Lord that that change involved a departure from his own original proposal, that the appeal in that case should be to the Judicial Committee of the Privy Council.

The LORD CHANCELLOR said that, he did not think the number of appeals to the House would be greatly increased under the operation of that measure, because the appeals in those cases had hitherto arisen out of the question of the sanity or insanity of the testator, and under the Bill any question of that kind would be decided by a jury. Appeals would only be brought before their Lordships in cases of alleged misdirection by a Judge, and those cases did not constitute one in every hundred of the appeals which had hitherto been made. With regard to the change introduced into the 37th clause, he had to observe that that change would only carry into effect the view he had originally entertained upon the subject. It was only in deference to the opinion of others that he had proposed in the Bill that the appeal should lie to the Judicial Committee of the Privy Council, and not to that House; and he was very glad to find that he was enabled in Committee to carry out the conclusion at which he had in the first instance arrived.

The Earl of DONOUGHMORE said, he must express his regret, that the noble and learned Lord should have given so decided an opinion in answer to a noble Earl (the Earl of Malmesbury) a few days ago, that it would be impracticable to grant compensation to the proctors. The noble and learned Lord said it was impossible to grant them compensation, because their offices had not been abolished; their business might, indeed, be diminished, but all great public reforms were attended with some injury to private interests. That would be a very good argument if it had not been possible to reform the court without destroying their business; but such was not the case. There was no necessity for throwing open the new court to solicitors; no great public benefit could arise from it; and the business ought to be left in the hands of gentlemen who were so well qualified to discharge it. There were several clauses in which he (the Earl of Donoughmore) would venture to suggest some alterations. Clause 43 provided that probate and administration in non-contentious matters might be taken out in the district court when the whole property did not exceed £1,500; he would suggest that the maximum should be reduced to £800. It was further provided, that a simple affidavit that the property was under £1,500 should be conclusive as to the fact. He thought some further security was necessary. As the district registrars were to be paid by fees they had an interest in increasing the number of probates, and would not look narrowly into the affidavit. He suggested that, in order to check fraud, the party should make a return of the particulars of the property. The 73rd clause appeared intended to relieve the Bank of England of a portion of their present responsibility as to transfers. In all cases when stock in the public funds is to be transferred to an executor or administrator, the Bank now required the production of a London probate, but as that would be impossible, when probate would be granted in the district court, the Bill proposed to relieve the Bank of this responsibility. He thought that would be very unwise, and would suggest an Amendment to the effect that whenever any portion of the property of a testator consisted of stock in the public funds it should be necessary to take out probate in London. The 89th clause proposed to repeal the Act which restrained proctors from making an agreement to share their profits with any person; the effect of this would be that the solicitors would swallow up a great deal of the business still left to the proctors. He wished also to call attention to the position of the proctors of the Prerogative Court of York, who were much worse treated than those of the province of Canterbury. It was proposed to abolish the court of the province of York altogether, so that even on the noble and learned Lord's own admission the practitioners of that court had an irresistible claim to compensation.

Lord WYNFORD was understood to contend that, under existing Acts of Parliament, certain officers of these courts were not entitled to the compensation provided by the Bill.

The LORD CHANCELLOR said: considering that the question before their Lordships was only that the Bill be read a third time, the Motions, or rather the observations, which had fallen from his noble Friends should rather have been made whilst the Bill was in Committee. He did not, however, complain of the course that had been taken, as his noble Friends had doubtless considered that it would be the most convenient to himself. The objections depended, first of all, on the question of compensation. His noble Friend at the table (the Earl of Donoughmore) thought that the Bill was unjust in not giving compensation to the proctors. When he said the proctors ought to receive compensation, he must do him (the Lord Chancellor) the justice to remember that all along he had wished to give compensation, where he could clearly see his way to do so, to those who were really likely to suffer loss by any proposed changes. It was the duty of those who proposed such changes to endeavour to mitigate the evils resulting from professional loss as far as possible; but if every reform was to be delayed until all possible loss to the different classes affected had been adjusted, no one need undertake the task of a reformer. But how was it possible to estimate, for the purpose of compensation, the loss sustained by the members of a whole profession? It would be necessary to take an account of the profits of each individual for a certain number of years past, and to set off against that an estimated average of the profits which would be made by the same individual under the future system. When the proposal came to be worked out, it would be found to be impracticable. It would, however, be incumbent on those who administered the patronage of the proposed system to appoint to situations those who might suffer by its introduction. His noble Friend had complained that too much compensation was provided, and another noble Lord had objected to the compensation that was proposed to be made in other cases. He (the Lord Chancellor) thought that there were certain persons, no matter whether they held sinecures or not, who were justly entitled to compensation. Whether it were correct or not, the principle was always acted upon in this country, that you could not take away from a man a source of livelihood to which he had a right without making him a compensation for it; but there were certain persons excepted out of this principle by the operation of the Acts to which his noble Friend had referred; and it was to those persons to whom he (the Lord Chancellor) wished to give compensation by the present measure. They were those who, but for those Acts, would have held offices for life, and who were clearly entitled to receive compensation. The provisions of the present Bill would also extend to those who held reversionary interests in offices, and to many who did not exercise the duties of the offices which they held in person. Another provision objected to was, that which enabled an attorney in the country to employ a proctor in London as his agent. Why should he not do so? The country attorney was in the habit of employing London agents for other business; and the arrangement was only in conformity with what he should suppose would be the general opinion of mankind. With reference to the sum of £1,500, the limit of value at which causes were to be tried by the district Judges, he (the Lord Chancellor) had simply adopted the recommendation of the Commission on the subject. It was necessary to draw the line somewhere, and this sum had been fixed upon after much consideration. Finally, as to the question of opening the new court to barristers and solicitors, that was the only point on which all persons had concurred. It was impossible not to allow these practitioners to come in in all cases of contentious business, whilst the ordinary business might be managed by the other members of the court. He would move that the Bill be now read a third time.

Motion *agreed to.*

Bill read 3ª accordingly.

Amendments *moved,* and, by leave of the House, *withdrawn.*

Amendments *moved* and *negatived.*

Amendments made.

Bill *passed,* and sent to the Commons.

House adjourned at a quarter to Eight o'clock, to Monday next at Eleven o'clock.

HOUSE OF COMMONS,

Friday, June 5, 1857.

MINUTES.] NEW MEMBERS SWORN.—For Penryn and Falmouth, Thomas George Baring, esq.; for Reading, Henry Singer Keating, esq.

COWS IN HYDE PARK—QUESTION.

MR. KER SEYMER asked the Chief Commissioner of Works by whose authority cows are permitted in Hyde Park, when they are excluded from the other parks; whether the number are limited, and whether any of the officers of the Ranger's Department, or of the Board of Works, are allowed to have the run of cows free of charge; and, if so, how many are allowed to each such officer?

SIR BENJAMIN HALL, in reply, said that he had himself no authority in the matter, but he had communicated with Mr. Stephenson, the superintendent of Hyde Park, and from whom he had received the following statement:—

"Cows are permitted in Hyde Park under the authority of the Ranger for the time being. The number is limited, being regulated according to the state of the herbage. Permission is granted to any person to put cows in the Park on payment of a rent; such rent is collected from many persons, and amounted for the last year to £470 14*s.*, which was duly carried to the Public Accounts. It has hitherto been considered to be of great benefit to the public that so large a supply of fresh milk should be so easily obtained during the summer months. The superintendent is the only officer in the Ranger's department who has the privilege of depasturing cows free of expense to the number of five, which privilege has been enjoyed by him for twenty-five years, and by his predecessors in office. If it should be considered to be more for the public advantage that the cows should be removed from Hyde Park, the Superintendent will make no claim for compensation."

SCOTCH REGISTRATION BILL.

QUESTION.

SIR EDWARD COLEBROOKE asked the Lord Advocate what are the intentions of the Government with regard to the Scotch Registration Bill.

THE LORD ADVOCATE said, that, however anxious the Government might be to extend to all boroughs the advantages at present confined to a few, it appeared to them more consistent to delay the consideration of the subject to next Session, when the Government had announced its intention to bring in a general measure relating to the representation of the people. Moreover, he did not think that, if the Bill were introduced at so late a period, it could be passed into law during the present Session.

THE LAW OF MASTER AND SERVANT.

QUESTION.

In answer to Mr. FORSTER,

SIR GEORGE GREY said, that although the present state of the law with respect to the relation of master and servant was one productive of considerable hardship, it was not the intention of the Government to introduce any measure for its alteration in the course of the present Session. They might, however, in the course of the next Session, deem it to be their duty to bring in a Bill upon the subject.

EDUCATION—QUESTION.

SIR JOHN PAKINGTON said, he was desirous of putting a question to the noble Lord at the head of the Government upon the subject of education, and as it would be necessary for him, in doing so, to make a few observations in explanation of the question, he should set himself in order by moving that the House at its rising should adjourn till Monday next. The Resolution of which he had given notice with respect to education stood for Thursday, the 11th, but was placed in such a position on the paper that he was afraid there would be no chance of his being able to bring it on at such an hour as would insure to its discussion that amount of attention which its importance demanded. Having tried the ballot for several successive days, he saw no reasonable prospect of his being in a position to bring forward the question under circumstances favourable to its consideration until July, when he was afraid it would be useless to raise a discussion with respect to it, owing to the advanced period of the Session. Now, notwithstanding that he had, upon various occasions, experienced great courtesy from the noble Lord, he still felt that he had no right to ask him as a matter of personal favour to enter into any arrangement to facilitate the attainment of the object which he had in view. He felt, however, that he was entirely in the hands of the noble Lord, who had taken all the Thursdays after the 18th instant for Government business. Of that he did not in the slightest degree complain, but he would put it to the noble Lord whether, upon national grounds, he would not deem it to be consistent with his duty and in accordance with the general feeling of the public, who were extremely anxious to ascertain the opinions of the new House of Commons upon the question of education, to afford him an early day for the purpose of bringing forward his Motion upon that important subject.

Motion made, and Question proposed, "That the House at its rising do adjourn till *Monday* next."

BRAZIL—QUESTION.

MR. ROEBUCK said, that before the noble Lord answered the question of the right hon. Baronet, he should wish to put to him another in relation to the discussion which had some evenings before taken place in connection with Brazil. He (Mr. Roebuck) had upon that occasion stated that the Act of 1845—commonly called Lord Aberdeen's Act—to which he had then alluded, was one of the operation of which both the people and the Government of Brazil complained. The noble Lord had, however, stated in reply that the Act was one which, by the mutual consent of this country and of Brazil, was not enforced; and as that statement, owing to the experience in office of the noble Lord, was entitled to be regarded as having been made upon good authority, he should wish to ascertain from the noble Lord whether he had any objection to lay upon the table of the House the documents upon which that statement was founded.

ELECTION PETITIONS—QUESTION.

MR. ADDERLEY said, he feared he must take the same course as the hon. and learned Member for Sheffield, and, before the noble Lord rose to reply to the questions which had just been put to him, submit the subject of what he might call sham election petitions to the notice of the House. The presentation of sham election petitions was now become a wholesale practice; and he might state that he had been upon two occasions himself the victim of that obnoxious system. He would ask the House whether it was consistent with their own honour and interests to permit this system to continue. He had within the last few days been accused by a man, whom he had never previously heard of, of having been guilty of every species of corruption which it was possible could take place within the limits of a contested election. That person, however, as had been announced by the right hon. Gentleman in the Chair, had, without assigning any reason, intimated it to be his intention to forego his accusation, and he (Mr. Adderley) was therefore justified in arriving at the conclusion, from the manner in which the charge had been made and withdrawn, that its author never had the slightest ground for those suspicions in reference to his conduct which he seemed to entertain. Now, it appeared to him a somewhat peculiar position for any Englishman to stand in, that his character should be assailed without an opportunity being afforded him of being brought face to face with his accuser. Such an accusation once made should, if well founded, be proceeded with, if false, exposed. He had upon four different occasions been returned to that House for the county of Stafford. Upon two of those occasions there had been a contested election, and he had in both cases been used in the manner which he had just described by some unknown person, who thought that he would serve very well as a cushion off which to make a hazard either into his own pocket or into the pocket of somebody else. In the former case there had been various dark whispers to the effect that if he would accede to the proposition, terms of accommodation might easily be entered into. He had, however, he was happy to be able to say, treated all such hints with the contempt which they merited—with all the scorn which in his heart he felt towards any man, whatever might be his position, who connected himself with proceedings of a character so disgraceful. He had done his utmost by means of taunts—he might almost say by a recourse to insults, to induce the parties to the petition to which he referred to proceed with it, but he had been unable to induce those men of straw to come into the face of daylight to prefer their accusations. He consequently had had no opportunity of rebutting those charges, and of clearing his character of the foul aspersions which had been cast upon it. The petition which had lately been presented against his return to that House had been signed by a person named Fox, whom he had with difficulty ascertained to be a journeyman hatter at Newcastle-under-Lyme, and in that petition he had been charged with the commission of acts of bribery and treating, and with having in various other ways corruptly influenced the late election for North Staffordshire. Now, his opponent in the election for that county, Mr. Edward Buller, and his friends, so far from concurring in that accusation, had expressed their indignation at its ever having been made. Such, he might add, was the general feeling of those who had been opposed to him in North Staffordshire. He should, nevertheless, have desired to meet his accuser in open day; but, from a letter read by the right hon. Gentleman in the chair, he discovered that Mr. Coppock, the agent of James Fox, had intimated that it was not his intention to proceed with the petition. When, however, he found that such was the case, and that he could not hope for redress from a Committee of that House, he had appealed to some gentlemen connected with the legal profession with a view of ascertaining from them whether he could not obtain such redress in the Courts of Law. He was perfectly willing to spend £1,000 in the endeavour to obtain it. [*Laughter.*] It would seem as if those hon. Gentlemen opposite who laughed could not connect with the mention of a sum of £1,000 any idea but that of corruption. [*Cries of* "No, no!"] But, be that as it might, he was perfectly ready to expend that sum in the endeavour to convict upon a charge of libel the man who had now unjustly assailed his character, and who, having done so, was screened from the punishment which he deserved by the privileges of the House of Commons itself. It might be regarded as squeamishness upon his part to exhibit so much sensitiveness upon the subject, but he would confess he could not look upon the matter as trivial. He recollected a debate in that House, in which several eminent men—and among them the late Sir Robert Peel—after admitting the difficulty of legislating in such a manner as to produce perfect purity of election, had given it as their opinion that the attainment of an object so desirable must, after all, be left to a great extent to public feeling, and that it could never be accomplished until candidates had learnt to look upon corruption at elections as a disgrace to a man of honour. If such was the light, then, in which it ought to be viewed, there was, he considered, every reason why he should exhibit some sensitiveness with respect to the accusation of wholesale corruption, brought against himself, even though it was notoriously a mere trick for electioneering purposes. If that House were to legislate for purity of election, and were itself to become the fountain of corruption, it would be guilty of a farce which it was time should be put an end to. If, too, the House continued to make itself the channel of such libels, and slanders, and to protect by its privileges those from whom they proceeded, it ought to cease to keep up the farce of attempting to legislate for purity of election. He would ask the House, and above all he would ask the leader of the House, whether it would be right and proper to leave this system of libel and slander, in the process of their judicial inquiries into corrupt practices, in its present state, or whether the noble Lord was prepared to take measures to put an end to it? It was not incumbent upon him to suggest a mode of putting a stop to the practice of which he complained, it was the business of the Government to say that it was impossible, or else to put it down. But, in his opinion, there was this simple mode of dealing with such cases. Recognizances were now entered into in order to ascertain that parties who proceeded with election petitions for corrupt practices were able to pay the expense of the proceedings if they took place. Now, by a very trifling extension of the provisions of a clause in the Act of 1848, it might be enacted that the petitioners should forfeit their recognizances if they did not proceed with their petition, or, at all events, show good ground for withdrawing it. Out of seventy-seven election petitions presented in the present Session, perhaps not fifty per cent were *bonâ fide.* Probably more than fifty per cent were what were called pairing-off petitions, while many of those petitions were brought forward with an object not known to the House, but not unknown to the agents of corruption—namely, for the direct purpose of extorting money from the Members petitioned against.

Mr. G. H. MOORE said, the present, he considered, was a fitting opportunity to call attention to another abuse of the right of petitioning. Charges of the grossest character had been brought against him in an Election Petition which had been presented against his return. Of course he had no right to complain, as those charges would form the subject of investigation before the proper tribunal; but he had a right to complain that the public press and some Members of that House should use the allegations contained in that petition for such purposes against him, and should have deliberately attempted to prejudge and prejudice a case which stood for judgment before a Committee of that House. An article was published a few days since in *The Times* newspaper, in which all the allegations in the petition were quoted, and adding that those allegations—which were of a most disgraceful character—would in all probability be proved before the Election Committee. It was not only that those statements were read by Members of that House, but that they were read also by the very parties who were to try the case, and became the subject of public conversation from one end of London to the other; and men's minds became saturated with opinions which it was very difficult to remove. But he had, beyond this, to call attention to the fact that an hon. Member of that House—a gentleman for whom he entertained the highest respect, and whom he knew to be incapable, intentionally, of prejudging or prejudicing any case—the hon. Member for North Warwickshire (Mr. Spooner), who on a late occasion quoted the allegations in the petition against his (Mr. Moore's) return, as proving certain undue interference by the Roman Catholic Clergy, to which he was at the time calling attention. Now, he certainly thought that in all cases those petitions should be left to the constituted tribunals, and that any interference with the duties of those tribunals—any attempt to dictate to or prejudice their minds, by comments either by the press or by individuals ought not to be tolerated. In any other case there would be a remedy for the publication of such charges by an action for libel; but in the case of a member whose return was petitioned against, there was no redress whatever. He hoped the charges which had been brought against him would be fully investigated by the Committee, and fairly tried; but he must protest against the abuse of the privileges of the press and the privilege of public speech for the purpose of endeavouring to prejudge and prejudice the minds of those who were to sit in judgment on the merits of the case.

Mr. T. DUNCOMBE said, that if the hon. Member for North Staffordshire (Mr. Adderley) were a new Member he should not be so much surprised at the complaint he had brought forward, but seeing that he was a Member of the late Parliament, the hon. Member must surely have forgotten what occurred when that Parliament met. They had, he believed, some 120 or 130 election petitions presented, many of them, it was notorious, solely for the purpose of being paired off against others. All those election petitions contained much the same statements, and the same accusations of every species of iniquity connected with electioneering. Therefore, any Member who was a Member of the late Parliament, knowing those things, and who yet took no pains whatever to remedy the evil, had no right to complain of what was taking place now. He would ask what took place at the beginning of the late Parliament? He (Mr. T. Duncombe) was Chairman of the Committee that sat upon the Norwich election petition. Mr. James Coppock, the agent on the one side, and Mr. Brown, the Conservative agent, on the other, withdrew the petition, without consulting either the petitioner or the sitting Member. Colonel Dickson was the petitioner, he having been one of the candidates at the election. Colonel Dickson thought he had a good case—but without asking his consent, the petition was withdrawn by an arrangement between the agents. He appealed to the House, but no redress could be afforded to him under the Act of 1848. There was no doubt that the agent had the right to withdraw the petition, and it was found that the House could not inquire into the matter. Of the 120 or 130 petitions presented, about one-half only were proceeded with. Thirty-six Members were unseated, and the writs for the new elections were suspended in regard to nine of the boroughs—four of them for a short time, and five until the Corrupt Practices Bill was passed. The noble Lord (Lord John Russell) who introduced that Bill led the House to believe that it would cure everything, and effectually prevent anything like bribery or corruption of any kind for the future. And thereupon the writs were issued for Canterbury, Marlborough, Barnstaple, Cambridge, and Hull. But had that Act done any good? None whatever. Instead of a Bill for preventing corrupt practices, it ought, more properly, to have been entitled, a "Bill to conceal Corrupt Practices at Elections." There was the election auditor, it was true, but the candidates returned to him only such expenses as they knew were proper and would be allowed. No man would think of sending to the auditor what would be, in fact, evidence against himself. And yet the auditor's Report was the evidence which the Committee were to take. He contended, therefore, that that Act left the matter of corrupt practices at elections just where it was before. The attention of the House was called in the Norwich case, but what had the House done in reference to it from the year 1853 to the present time? Nothing whatever. The Committee reported that it had been proved that the petition from Norwich had been withdrawn, and that this withdrawal formed part of an arrangement or compromise between Mr. Brown and Mr. Coppock by which eight petitions were simultaneously withdrawn, implicating the seats of ten Members of the House. The Committee added—

> "Your Committee think it right to direct the serious attention of the House to the facility that at present exists for originating and withdrawing election petitions, and to the public scandal that is notoriously created by the process of what politital partisans and the parties professionally engaged therein term 'pairing off petitions,' which abuse takes place under cover of the 8th section of the Act, entitled, 'The Election Petitions Act, 1848;' and whether it is not desirable that such alterations should be made in the said law as shall prevent the continuance of a system which, in the opinion of your Committee, is calculated to cause injustice and expense to innocent parties, and to bring the proceedings of this branch of the Legislature into contempt, as restricting this House in the exercise of the power of administering relief which the law, through the medium of election petitions, was specifically passed to afford."

In consequence of that Report he (Mr. T. Duncombe) gave notice of a Motion for leave to introduce a Bill for remedying the evil; but the Government said, "We will bring in a Bill that shall answer every purpose," but they had never done so. The remedy appeared to him perfectly easy. It might be accomplished by a short Bill, providing that, instead of going through the process of entering into recognisances, a certain sum—something under the £1,000, for which the recognisances were now entered—say one-half, or £500, should be paid down and deposited in the hands of Mr. Speaker. That would show whether the petition was *bonâ fide* or not. He would further provide, that no petition, when once presented, should be withdrawn, except with the consent of the House obtained by another petition, in which the grounds for such withdrawal should be made out, stating that the petitioners had been deceived in the statements made to them of corrupt practices, and that they believed there was no case again the sitting Member. That would completely meet the complaint of the hon. Member for North Staffordshire. He hoped, now that the attention of the House had been brought to the subject, that the present Parliament would not be allowed to pass over without at least something being done to remedy the evil.

Mr. SPOONER said, that as the hon. Member for Mayo (Mr. G. H. Moore) had specifically alluded to him, he hoped the House would bear with him for a few moments while he offered a few observations in explanation. The hon. Member for Mayo had done him no more than justice in declaring that he (Mr. Spooner) would never do anything likely to prejudice a cause—or likely to induce hon. Members to prejudge a cause. Nor did he think that he had done anything in the present instance to forfeit his claim to such a character. What he had endeavoured to show was, that the education of the priesthood at Maynooth necessarily led to the interference of priests at elections; that there were many cases in which it was quite clear they had so interfered; and that he (Mr. Spooner) was not their only accuser, for that similar accusations were urged even by Members of the Roman Catholic Church in a petition before that House. Perhaps there would be some justice in charging him with unfairness if he had not referred to documents in the hands of Members, and to circumstances known to the whole House; besides which, he had specifically declared he should not offer any opinion as to the truth or falsehood of the allegations in the petition. He was quite sure that there was not a single Gentleman sitting in that House who would be led to form an opinion as to the merits of the case from anything that had fallen from him, and he could assure the hon. Member for Mayo that if his conduct was capable of being construed into an attempt to influence Gentlemen's minds he should not have acted as he had done.

VISCOUNT PALMERSTON: I am quite sure, Sir, that the right hon. Baronet opposite (Sir J. Pakington) will believe me when I say—what I am convinced must be the opinion of the whole House—that no Member is more entitled to courtesy than himself in regard to anything in which his own personal wishes are concerned. I am also ready to admit that the subject of education on which he wishes to state his views is one eminently deserving attention in the new House of Commons. On the other hand, I would submit to the right hon. Baronet, who, whatever may be his anxiety on his own question, will, I am persuaded, enter into the natural feelings of the Government, that we have made very little way yet in the Estimates, many of which remain to be discussed; and that there are several important measures which the Government is desirous of passing through this House in time to afford a chance of their receiving proper consideration by the other branch of the Legislature. The Session has not been long begun, and therefore—though the right hon. Gentleman has not been successful hitherto in his attempts to obtain a night by ballot—a measure for which this mishap is not very likely to conciliate his support; still I hope he may be more fortunate on a future occasion. All I can say is, that I am afraid I cannot at the present moment offer him a Government day on which to bring on his Motion. But if, after the lapse of a certain time, when we have made more progress with the public business, it should really appear that the right hon. Baronet has not been able to secure a day for his purpose, we shall then be very happy to give him the opportunity he desires. In answer to my hon. and learned Friend (Mr. Roebuck), I may observe that what I stated the other evening was exactly what he has mentioned just now; namely, that the operation of the Act of 1845, in regard to the Brazilian slave trade, was suspended by the mutual consent of the two Governments. Now, if the hon. and learned Member or the House understood from this that I meant to say the Brazilian Government had consented to the continuance of the Act, even in a suspended state, they misunderstood me: I may, perhaps, have used that expression hastily and without due consideration, but what I intended to convey was, that the Act was suspended in consequence of communications between the two Governments—suspended by the British Government in deference to the wishes of the Brazilian Government, and on the faith that that Government would persevere in its active exertions to put down the slave trade. The papers connected with the Brazilian slave trade have been annually laid before Parliament in the volumes A, B, and C, published every Session, and the correspondence on this specific point must be contained in those papers. I shall not, however, give my hon. and learned Friend the trouble of hunting out the particular documents relating to this transaction from so large and bulky a mass; but I will take care to have references made for him to the page and volume in which this correspondence is to be found, and then he may readily discover for himself in the library the documents in question, together with the agreements which have been come to. With respect to the inquiry put by the hon. Member for North Staffordshire (Mr. Adderley), and also adverted to by the hon. Member for Mayo (Mr. G. H. Moore) and my hon. Friend the Member for Finsbury (Mr. T. Duncombe), it is no doubt perfectly true that the practice of petitioning against the return of Members of Parliament is frequently abused. Sometimes charges are brought which the parties making them know to be unfounded—at other times they are brought in order to extort either a compromise or possibly a money payment. Now, Sir, it would certainly be very desirable to prevent such things. On the other hand we have the character of Parliament to consider, and we ought not, for the sake of checking the abusive exercise of a power now given by law, to restrict too much the opportunity enjoyed by electors or defeated candidates of bringing before Parliament practices on the part of the successful candidate which may properly demand inquiry and lead to the avoiding of the election. At the same time there is a serious evil in the right of petitioning being perverted for the purposes already mentioned. But a petition can only proceed from an elector or a candidate. The hon. Gentleman (Mr. G. H. Moore) says, petitions are received containing libellous charges against Members, and that then the petitions are dropped. But surely there cannot be a greater admission of the groundless nature of the accusations than the dropping the petition. Nobody at all acquainted with the public or private character of the hon. Member can for a moment suppose him to have been guilty of the charges which he states have been made against him. Now, the petitioner petitions under certain conditions, namely, the condition of paying the expenses incurred by proceeding with his petition. Then, as to the case of petitions being presented with the view of extorting money, I should say it is the duty of any Member to whom such an intimation has been given to bring that fact before the House as a breach of privilege; and I am sure this House, when appealed to, would be perfectly ready to take proper cognizance of the matter. Again, when one petition is presented for the purpose of inducing another to be withdrawn, if that other petition is well-founded, why do the parties withdraw it? They ought to say "No, your petition is groundless; we dare you to proceed with it; or if you don't bring it to trial we will compel you to drop it. But we will not pair off your petition with ours, which is well-founded. We shall go on, and leave you to do as you please." It is, therefore, in the power of parties confident in the truth of their petition to resist any attempt to induce them to withdraw it by offering to withdraw a counter charge. There are other cases, however, in which a petition may be rightfully presented and rightfully abandoned. Persons are obliged to present their petitions within a fortnight after the meeting of Parliament, at which time they may believe they have perfectly good grounds for challenging the election. In the interval before the trial of the petition those grounds may fail them. An important witness may have died, gone away, or been tampered with by the other side; or the petitioners may find on a more accurate examination that the evidence on which they relied would not bear sifting to the bottom. Therefore we should be injuriously curtailing the means of bringing to light practices which we wish to prevent were we too rigidly to limit the right of petitioning against election returns. Still, if anything can be suggested which would on the one hand give ample opportunity for the exposure of proceedings with which this House ought to deal, and on the other remove those abuses to which the hon. Gentleman and others have referred, it will certainly deserve careful consideration. But this can only be done by the alteration of the law, because the practice now complained of is authorized by the law, with which this House alone cannot interfere. The hon. Member for Mayo says that premature opinions have been expressed in the newspapers and elsewhere on a petition which is still pending. Why, hardly a case comes before the Courts of Law on which, in some way or another, opinions are not pronouncod in public before the trial actually takes place. But I am quite satisfied that those hon. Members who are appointed to inquire into Election Petitions, and who are obliged to try them on their oath, will be guided solely by the evidence adduced before them, and not suffer their minds in any degree to be prejudiced by what they may read in the public prints, or what they may hear in clubs, or learn through any other channel.

Mr. HILDYARD said, he thought he could make a suggestion to the noble Lord, founded on the practice of the courts of law. If an indictment was preferred against a person he could apply to the Court for a copy of the indictment, and the Court, upon cause being shown, would furnish a copy to the party accused, who thereupon could take such proceedings against the prosecutor as he might think fit. Now, he (Mr. Hildyard) would propose that, in the same way, upon a petition being presented, the party against whom it was presented should be at liberty to apply to the House for a copy; and if the petition could be reasonably justified, and a fair case for presenting it could be made out, then the application should be refused; but otherwise, if no sufficient reason for presenting it could be shown, the application should be complied with. He believed that a measure of that nature would operate as a salutary check upon parties presenting petitions without any sufficient grounds, for he thought he knew how a Judge would charge the jury in case proceedings were taken, and how a jury would decide.

THE CASE OF MR. STONOR.—QUESTION.

Lord JOHN RUSSELL: I wish, Sir, to put a question to my right hon. Friend the Secretary of State for the Colonies, but before I do so I can hardly refrain from noticing the observations which have been made with respect to my conduct by the hon. Member for Finsbury (Mr. T.

Duncombe). He says that I introduced a Bill which I maintained would cure all corruptions and prevent all bribery at elections. I beg totally to deny the truth of that allegation. I introduced a Bill which I hoped might render bribery and corruption at elections less frequent, but I was not so sanguine as to hope that it would put an end to all bribery and corruption. However, that Bill was sent with other Bills to a Select Committee of this House. That Select Committee comprised the late Attorney General (the present Chief Justice of the Common Pleas), the right hon. Gentleman the Member for the University of Cambridge (Mr. Walpole), the hon. and learned Member for East Suffolk (Sir F. Kelly), and several other Members of the late House, who were fully competent to consider the questions submitted to them. Many clauses which had been proposed by the hon. and learned Gentleman the Member for East Suffolk were introduced into that Bill, and it was the opinion of the Committee that the provisions of the Bill would render bribery and corruption of less frequent occurrence. Now, Sir, notwithstanding the remarks of the hon. Member for Finsbury, I am inclined to think that the Committee was right in that view. But the question will soon be tried, because we shall have a number of Election Committees sitting upon the petitions which have been presented, and by the result of their inquiries we shall be able to see whether that is a useful Bill or not, and, if useful, whether such additions may be made to it as may have the effect of still further correcting the evil of bribery. But the hon. Member for Finsbury says that he has propositions of his own, which are admirably calculated to prevent certain evils which he pointed out. Why, then, does he not apply his industry to the correction of those evils instead of complaining that my Bill is ineffectual? With regard to the suggestion made by the hon. and learned Gentleman opposite (Mr. Hildyard), I am very much of the opinion stated by my noble Friend at the head of the Government—namely, that, although some remedies might be required, I think we ought to be very cautious how we shut the door against complaints of bribery and corruption. There may be cases, as my noble Friend stated, in which a person may in his own mind have had a perfectly good reason for presenting a petition complaining of corrupt practices, and that opinion may have been well founded, but circumstances may have taken place by which he is unable to bring forward the truth of the case, and I think he is then perfectly justified in withdrawing his petition. The question which I wish to ask my right hon. Friend the Secretary of State for the Colonies has some remote reference to this subject, but it refers more particularly to a Gentleman who considers himself to have been aggrieved by circumstances that took place in the late Parliament. The Gentleman to whom I allude is Mr. Stonor, who produced to the Duke of Newcastle, then Secretary of State for the Colonies, very high testimonials and recommendations, and on which the Duke of Newcastle recommended him to the Crown for a judicial office in one of the Australian Colonies. A Report was made to this House by one of the Selection Committees, which impugned the character of Mr. Stonor, and some discussion took place in this House on the subject. The Duke of Newcastle, although he believed that Mr. Stonor had been very hardly dealt with, thought it was his duty to advise the Crown to cancel his appointment. But, without entering into particulars, I think I may fairly say, that there was some misconception with regard to the imputations which were made against Mr. Stonor; at least, I was convinced when I was Secretary for the Colonies that if a vacancy should occur in any office which Mr. Stonor was competent to fill no imputation rested upon his character, and I should be prepared to recommend him to the Crown for public employment. My right hon. Friend the Secretary of State for the Colonies is aware of the circumstances to which I have alluded; and I wish to ask him whether, in his opinion, there is any circumstance affecting the character of Mr. Stonor which would disqualify him for appointment to a public office.

MR. LABOUCHERE: Sir, I shall best answer the question of my noble Friend by stating exactly to him and to the House the reply that I made to Mr. Stonor, when he made a similar application to me. I had known that Gentleman when I was Secretary for Ireland, having had some intercourse with him upon the occasion of requiring the assistance of professional gentlemen to prepare some public measures which the Government intended to lay before Parliament. Mr. Stonor was then recommended to me by some of the highest legal authorities in Ireland; and what they stated to me I certainly found to be true in my intercourse with him. That intercourse left upon my mind a very favourable impression of him, both as a private individual, and as an acute, sensible and learned professional man. Shortly after my appointment to the Colonial Office, Mr. Stonor called upon me, and stated the very fatal effects which the recall of the colonial appointment that he had accepted had produced upon himself and his family, and he asked me whether I would recommend the Crown, upon a fitting opportunity, to restore him to the colonial service. My answer to him was this:—I said that I had looked into the circumstances of the case; that the impression upon my mind was that they formed no permanent disqualification to his employment in the colonial service, and that I should have no difficulty in recommending him to the Crown for any office in this country for which he might be competent, but that I thought an appointment in a colony was a very different matter. This gentleman has been recalled from one colony, and I was satisfied that if he were sent to another colony, the impression there would be, that it had been hardly used. I should have no opportunity of justifying the appointment before that colonial community, and I therefore told him that I did not think it would be to the interest of the public service, if I should recommend him to the Crown for any colonial appointment. But I feel it to be due to him to make the declaration in this House that, in my opinion, there is nothing in the circumstances of his case which should permanently be held to be a disqualification of him for public employment in any situation for which he is competent.

Mr. HORSMAN said that, having been a Member of the Committee before whom some charges were brought against Mr. Stonor, he considered it right to state a circumstance which had not been alluded to by the noble Lord the Member for the City of London. When Mr. Stonor was an applicant for a judicial appointment in one of the colonies, he gave the Colonial Office the fullest opportunity of considering the facts which were laid before the Committee with reference to him, and which were supposed to reflect upon his character. It was proved before the Committee that, by some oversight, the papers of Mr. Stonor with reference to the charges preferred against him were not examined at the Colonial Office; and, in consequence of his testimonials, he received the appointment for which he applied. Shortly afterwards the appointment was brought before the House by the hon. Member for Mayo (Mr. G. H. Moore), and the result was that, by the very mail following that which took Mr. Stonor to Australia, he was informed that his appointment had been cancelled. It was now manifest that he had been hardly dealt with. In order to accept the colonial appointment he gave up a lucrative practice in this country, and incurred considerable expense to settle himself in the colony. He was recalled without any fact in addition to those which he had taken every pains to bring to the notice of the Colonial Office having been brought against him. Under these circumstances, it did appear to him that the case of Mr. Stonor was a very hard one, and was well entitled to the consideration of the Government.

Mr. MALINS said, he had not the pleasure of knowing Mr. Stonor, although he was a member of the same profession to which he belonged. Mr. Stonor, too, entertained altogether opposite political opinions with him (Mr. Malins). These facts, therefore, were quite sufficient to show that he was not influenced by any personal considerations in the opinions he entertained respecting the position of that gentleman. He, however, had long been impressed with the feeling that Mr. Stonor had been very hardly dealt with, and he felt bound to stand forward in vindication of the character of a professional brother. He was sorry to hear the right hon. Gentleman the Colonial Secretary say that Mr. Stonor was ineligible for a colonial appointment, because if so, he would, under the circumstances, be ineligible for any appointment, inasmuch as there was nothing else which would be likely to suit that gentleman but a colonial appointment. It should be recollected that Mr. Stonor had given up a professional income when he had gone out to our colonies, and that he was now in fact left without any redress. He thought that the right hon. Gentleman had taken a very extreme view of the case, when he objected to recommend him to an appointment in our Colonies.

Motion *agreed to.*

House, at rising, to adjourn till *Monday* next.

SOUND DUES—COMMITTEE.

Order for Committee read.

Copy of Treaty, &c. (presented 7th May) *referred.*

Mr. LIDDELL said, he rose, pursuant to notice, to call the attention of the House to the subject of the Danish transit duties. In doing this he was actuated by no vexatious desire to oppose the going into Committee, but he thought the present a fit opportunity for bringing under consideration that portion of the Convention which related to the subject of his notice. He was not prepared to oppose the general scheme for the redemption of the Sound Dues, which he believed had long been a source of vexation and annoyance to the mercantile marine engaged in the Baltic trade. The collection itself was attended with both difficulty and danger to the shipping from the delay it caused, and, he believed, it would be for the benefit of all parties concerned that such an arrangement should receive the sanction of Parliament. But there was another subject of importance embraced in this scheme—namely, the transit duties levied by Denmark upon goods conveyed over lines of railway which intersected that country. Those duties were first levied in 1838; and it was then suggested that they should be at the rate of 9*d.* for every 100 lb. weight of goods. This rate was, however, the subject of remonstrance, on the part of Lubeck, and it was reduced to 4½*d.* The present proposition was, that four-fifths of those duties should be reduced. Now, it was the clear understanding when these duties were first imposed that they should be levied for the purpose of protecting the Sound revenue. When, then, this House was called upon to vote a large sum of money for the purpose of abolishing the Sound Dues, it was worth while considering the propriety of getting rid of the whole of the transit duties, instead, as was proposed, of leaving one-fifth of those duties still in existence. The Flensburgh Railway, over which British goods were conveyed, was that which intersected the Danish province of Lower Schleswig, and the amount of duties paid on about 17,000 tons of goods conveyed over this line last year was about £1,012. Reducing this by four-fifths you arrive at a sum of little more than £200 a year; and, even if the traffic upon this line double itself in future, Denmark cannot expect to derive much more than £400 a year under the new arrangement from this restrictive impost upon trade, and this might be reduced by the payment of a capital sum of £6,400 at fifteen and a half years' purchase. Now, he thought, when we were about making an arrangement like the one before the House, that a sum of this kind ought not to be allowed to stand in the way of an entire abolition of these transit duties. Now, the trade did not so much complain of the amount of duty as of the vexation, restriction, and delay which attended the declaration necessary for ascertaining exactly upon what goods it ought to be levied. The feeling was very strong against these dues in all the Hanseatic towns, the people of which were much more interested in the subject than we were. The total amount levied upon all the lines throughout the Danish dominions did not exceed at present £22,000 a year; reduce that by four-fifths and you arrive at the sum of £4,500 received by the Danish exchequer from this source; but, supposing that even double that amount should be raised, it was but a small receipt to justify such an odious and vexatious restriction as that which he had pointed out. But in addition to other grounds of complaint, he contended that the tariff of duties was most unfair. The raw produce of Russia, for example, including hemp, flax, tallow, timber, and so on, was exempt from all dues, and, he thought, it was only just, therefore, that our raw colonial produce, such as sugar, coffee, cocoa, and tobacco, should also be carried along the Danish railways free of duty. He believed, moreover, that the feeling which prevailed in Denmark itself was strongly opposed to the continuance of these dues; for he found in the Report of a Committee of the Danish Imperial Council which had sat to consider the whole subject the following passage:—

> "The Committee, therefore, could not avoid taking into serious consideration whether it would not be in the interest of the State to remove the whole of the duties and to allow the free transit of goods, particularly as that source of revenue has been so diminished by the treaty already concluded as to lose the chief part of its political importance."

That passage, he thought, might satisfy the noble Lord at the head of the Government that he could rely upon a certain amount of assistance from the Danish Imperial Council themselves in pressing this point. He could readily anticipate the answers which he should receive from the Government. He should be told, in the first place, that a great number of States were parties to the convention, and that, by its terms, any further concession made in favour of any one particular State must be shared in by all; and he should further, he apprehended, be told that it would not be worth while, for the sake of so small a sum as remained to be levied, to re-open the question and thus endanger the success of the entire scheme. To these anticipated objections to his proposition he could say that we were going to pay Denmark for what she gave up, and that we had better pay her at once for abandoning the duties entirely, because, however trifling the sum that remained to be levied, the delay and vexation consequent upon the necessity of declaring the goods would continue as great as ever. Then, as to endangering the success of the whole scheme, he could only say that Denmark had been compelled to abandon what she had from fear of a war with the United States, and that it was not likely that she would render herself liable to another embroilment by insisting on the maintenance of the small duty that remained if the British Government were to protest against it. He would beg to remind the House that memorials had been presented, complaining of the Convention as an incomplete and unsatisfactory settlement of the question, from the North of Europe Steam Navigation Company, from the directors of the Royal Swedish Railway Company, and from sixty-two of the principal London firms engaged in the Baltic trade; and he would respectfully urge upon the House that, instead of giving their implicit sanction to the convention as it stood, they should endeavour to obtain the absolute and immediate abolition of all the railway dues. In the recent case of a Convention with France on the subject of the Newfoundland fisheries, the Convention was allowed to fall to the ground by Her Majesty's Government by reason of the colony objecting to it. There was one circumstance which appeared on the face of the correspondence of which he should like to have an explanation from the Secretary of the Treasury. A letter, calling the attention of the Government to most important facts, containing statements of figures, and going to the gist of the whole matter, was addressed to the Treasury on the 14th January, 1857. It did not appear even to have been acknowledged, but remained in the pigeon-holes of that Department until the 8th of May—the very day on which he moved for the production of this correspondence,—on which day it was forwarded to the Foreign Office, this Convention having been signed on the 14th of March. He must again warn the House that this might be the last opportunity which would be offered for obtaining the total abolition of those transit dues, and he called upon the noble Lord at the head of the Government to put the screw upon Denmark, with a view to the attainment of that object.

THE CHANCELLOR OF THE EXCHEQUER said, that, as the abolition of the transit dues formed only one part of the question of the redemption of the Sound Dues, it would probably be more convenient that he should postpone any answer to the remarks of the hon. Gentleman until the House went into Committee, and he had an opportunity of explaining the whole of the Convention, one clause of which related to those dues.

MR. BRAMLEY-MOORE said, he thought that the Chancellor of the Exchequer should favour the House with the views of Her Majesty's Government before he asked it to come to a Vote which would involve the expenditure of more than £1,000,000 of money. He had so strong an objection to the arrangement that he should oppose it at every stage.

THE CHANCELLOR OF THE EXCHEQUER said, it was his intention to make a full and complete statement to the Committee before asking it to come to any Vote upon the subject.

House in Committee, Mr. FITZROY in the Chair.

THE CHANCELLOR OF THE EXCHEQUER: Mr. FitzRoy, although the arrangement with respect to the redemption of the Sound Dues has been voluntarily concluded by the British Government with that of Denmark, yet the time at which it has come under the consideration of this Government has been somewhat independent of its volition. The question was first raised by the Government of the United States. About two years ago they questioned the legality of the Sound Dues, and stated that they would not consent to the payment of them by their vessels. In consequence of this announcement there were negotiations of a somewhat unfriendly nature between the King of Denmark and the President of the United States, which ended in the latter Power peremptorily refusing to consent to the exaction of these dues. Owing to this the Government of Denmark considered whether means could not be devised for their voluntary extinction, and in the course of the year 1855 a Congress of delegates assembled at Copenhagen to attempt to arrange the terms of a redemption. For some time the delegates were unable to agree upon the bases of a settlement, but in the spring of 1856 it was proposed to the British Government that the object should be effected by the payment of a gross sum for their redemption. At that time the treaty of peace with Russia was under negotiation; it was uncertain how long we might continue to be engaged in an expensive conflict; and the Government of Her Majesty, while recognizing the importance to our Baltic trade of extinguishing these dues, yet from financial considerations showed no eagerness to enter into the arrangement, and the first answer contained in a letter of Lord Clarendon's to Mr. Buchanan, the British Minister at Copenhagen, dated March 23, 1856, was not a favourable one. I mention this to show the Committee that Her Majesty's Government did not enter into this arrangement precipitately, but gave to it a calm, a cool, and a protracted consideration. After that answer was sent the negotiations between Denmark and other Powers proceeded; and not long after the treaty was signed which put an end to the great war with Russia, Russia itself and one or two other Powers signified their acceptance of the terms which had been offered to them as well as to England. This materially altered the position of England with regard to the question, because obviously disadvantages would have arisen to our trade if the ships of other nations had been exempted from Sound Dues while our vessels had continued to pay them. Her Majesty's Government deemed that this was a proper subject for the consideration of this House, as no treaty could be executed without a grant of money by Parliament; and, therefore, nearly at the end of the last Session I moved the appointment of a Committee which examined Mr. Buchanan, our Minister at Copenhagen, and many witnesses connected with the Baltic trade, and presented a Report to this House. I will not trouble the Committee at any length with extracts from that Report, but I would beg leave to call their attention to the fact that these Sound Dues are oppressive to the trade of this country, not merely on account of the payments directly levied upon British ships, but on account of the incidental charges which those payments bring in their train, and also on account of the detention of vessels at Elsinore for the purpose of levying the dues. On this subject I beg leave to call the attention of the Committee to one passage in the Report of the Committee. That passage states—

> "It is a matter of much complaint that these charges, which are only incidental to the payment exacted by the Danish Government, amounted to more than the dues themselves, in some cases being double the amount; and an agent's account was submitted to the Committee, showing that the dues properly so called amounted to one-fourth only of the whole charges for which the owner of the cargo was made liable; these are composed of various items, such as commission, expedition, translation, stamped paper, &c.; and though some of these charges are sanctioned by treaty, the account when delivered is seldom examined, and if questioned, redress is difficult to obtain. Mr. Wilson, of Hull, says,—'We have to take the account of our agents, and I do not see that we can check them; we should always be in a correspondence with them if we did; we are completely in their hands;' and witnesses admitting the correctness of the return that has been made by the Danish Government in the amount alleged to be paid by this country—namely, £70,000 per annum—place the burden falling on British commerce at not less than between £200,000 and £300,000.

Now, if a sum of money, calculated not upon the total sum which British ships are compelled to pay, but upon that proportion of it which is directly levied, would redeem those duties, it appears to me that it is only reasonable to expend that sum for such a purpose. If the total tax levied upon British ships annually amounts to anything like £200,000 or £300,000 a year, and if the sum which we are asked to redeem amounts to only £70,000 a year, it appears to me that, assuming the sum which we have to pay for such redemption to be calculated upon an equitable basis, it would, I contend, be most advantageous for the trade of the country to effect that redemption. Then, again, it is not merely the charge imposed upon shipping that does the greatest injury to trade; there is a detention at Elsinore necessary to levy the dues, and I will trouble the Committee with one passage from the Report on this point:—

> "Mr. Fleming, of Dundee, has given in the following passage a summary of the mischiefs which follow from the stoppage at Elsinore:—'The delays ships meet with at Elsinore from having to remain for their necessary papers from the Custom House is often the cause of many disasters. In fine weather the master may be on shore two or three hours only, but if the weather is not fine he may be absent five hours, and occasionally much longer. The roadstead in spring and autumn is very exposed and unsafe anchorage,

and frequently serious accidents occur, such as collision, slipping chains, parting from anchors, driving on shore; and sometimes ships are lost, and the crews drowned.'"

The Report goes on to state,—

> "Upon reference to other evidence it will be seen that strong and unvarying testimony is borne to the mischief arising out of the detention of vessels at Elsinore, and, indeed, some of the witnesses connected with the shipping interest state that the evil of the detention is greater than the evil of the payment. It would be difficult to suggest any relief to the trade for this evil short of rendering it unnecessary for vessels to stop for the purpose of paying these dues in future.
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> "The Sound Dues, therefore, as they are levied at present, combine in them what is most objectionable in taxes that fall upon trade; they are unequal in their operation, and they occasion great loss of time, and much needless expenditure, in the collection of a comparatively small revenue, and, as far as the cargoes are concerned, without professing to be raised for any service rendered in return, tend to impede and burden an important branch of trade. Under these circumstances, your Committee have no hesitation in declaring that these dues are the cause of annoyance and injury to British commerce, and that they deem it therefore highly desirable that they should be abolished."

Now, that is the deliberate opinion of the Committee. They afterwards advert to the negotiations then pending, and conclude their Report by saying,—

> "Your Committee therefore think that the proposals made by the Danish Government to the Governments of the different States interested in the navigation and trade of the Baltic, among which Great Britain holds the first place, should receive immediate consideration, and become the foundation of a final and satisfactory settlement of the question."

In consequence of the Report of that Committee, which was presented to the House at the close of the Session of last year, but in plenty of time to give any hon. Gentleman who wished to do so the opportunity of calling the attention of the House to its contents, the Government thought that, looking to all the circumstances of the case, the most expedient course to adopt was to entertain the proposal of the Danish Government, and, accordingly, soon after the prorogation of Parliament last year, we communicated to the Government of Denmark our willingness to consent to the redemption of the Sound Dues for a fixed sum of money. We, at the same time, communicated to that Government that all our arrangements were of a provisional character, and dependent upon the ultimate sanction of Parliament. That was thoroughly understood by the Government of Denmark from the beginning of the negotiations, and, therefore, the power of Parliament to assent to or dissent from these arrangements remains unimpaired. I mention that circumstance because representations have been made that we have not taken proper precautions. Well, Sir, the negotiations continued, and an offer having been made by Denmark, the amount was diminished, and ultimately the Government of Great Britain acceded to an arrangement to which Russia had in the first instance acceded, and which has since obtained the concurrence of most of the other great Powers of Europe. The total sum proposed for the redemption of the duties was fixed at 30,476,325 rix dollars, which were to be assessed among fifteen Powers, of which Great Britain was to pay 10,126,855 rix dollars, Russia 9,739,993 rix dollars, Prussia 4,440,027 rix dollars, France 1,219,003 rix dollars; and the sums to be paid by the other contracting parties were also settled. The Government of Her Majesty were of opinion that they could not, consistently with the international law of Europe, adopt the policy which has been taken by the Government of the United States of America. The ground taken by the President of the United States was, that America was not a party to the international law of Europe, that that law was a system by which the different States of Europe had bound themselves by successive treaties, and which was binding on them, but which did not apply to the United States of America, a new country situate in a different quarter of the globe. It is not for me to say how far the pretensions of the President of the United States were or were not well founded, or whether the ground which he took was in accordance with the law of nations. Be that as it may, Her Majesty's Government considered themselves precluded from the adoption of a similar course. We are a member of the European family, and England is bound by the international law of Europe. Now, with regard to these Sound Dues, ancient treaties entered into between Great Britain and Denmark specifically recognise them. The treaty of July, 1670, in the reign of Charles II., made between them, and afterwards renewed in 1814 by the treaty of Kiel, declares that duties for the passage of vessels through the Sound shall be paid according to the printed tariff or book of rates, which book of rates was agreed to between France and Denmark in 1645, and was further regulated by a treaty signed at London by my noble Friend at the head of the Government, then Secretary of State for Foreign Affairs, in June, 1841, when the scale of duties underwent a complete revision and considerable reduction. There is no reason to suppose that these dues have not always been regularly paid, except during a time of war, and, as a question of international engagements in Europe, nothing can be more plain than that we are bound in the most distinct manner to a recognition of the legality of the Sound Dues. Her Majesty's Government, therefore, came to the conclusion that, if the Government of Denmark were not willing to abandon those duties, but were only willing to extinguish them upon the payment of a certain sum, British vessels must either continue to pay the duties as hitherto, and undergo the annoyance to which I have alluded, or else the terms proposed by Denmark must be agreed to. Under these circumstances, then, I think Her Majesty's Government were fully justified in signifying their acceptance of the terms which were offered by Denmark. Before, however, those terms had been finally agreed upon, an attempt was made upon our part in concert with Prussia, and upon the suggestion of that Power, to enter into an arrangement by which the collection of the dues should be continued, but in accordance with which the detention of vessels at Elsinore, which was alleged to be one of the main grievances of the system, should be dispensed with, and the tolls payable upon vessels passing through the Sound, should be levied at the port of arrival or departure in the Baltic. That was a plan which was suggested by Prussia, and which England would have assented to if it had been found feasible. Such, however, was not the case, and the Governments of both countries concurred in deeming it desirable that it should be abandoned. Nothing, therefore, seemed to remain but that England should either agree to the terms which were proposed by Denmark, or refuse altogether to enter into any arrangement upon the subject of those dues; and Her Majesty's Government, having given the question the most mature consideration, came to the conclusion that it would, upon the whole, be most beneficial to the trade of the country to pay the sum of money for which Denmark had stipulated —a sum amounting to £1,125,206 sterling. Upon payment of that sum the Danish Government intimated their determination to abolish to the fullest extent the duties levied upon vessels at the Sound, and undertook the maintenance of lighthouses, and other institutions of a similar character, for the facilities and requisites of commerce. They also undertook to reduce the transit duties levied upon goods passing over the lines of communication which run across the Danish territory by four-fifths of their amount. The reduction of those duties was not a question which entered into the original negotiations with Denmark upon the subject of the Sound dues. The importance of effecting such reduction was, however, subsequently brought under the notice of this House in that Report of the Select Committee from which I have already quoted, and my noble Friend the Secretary for Foreign Affairs had, in consequence of the statements therein made, instructed our Minister at Copenhagen to demand a remission—at all events to some extent—of the transit dues. Greater difficulty, however, was experienced in dealing with that question than with any of the others involved in the negotiations. The Danish Government was unwilling to admit that the transit dues were intended—as was alleged by the witnesses who were examined before the Select Committee—to operate as a protection to the Sound Dues by preventing the evasion of the payment of those dues by the transportation of goods across the country. Very strong objections were, therefore, urged upon the part of Denmark to the proposal for the reduction of the transit dues, and, as Mr. Buchanan states, the subject led to a Ministerial crisis in the Danish Cabinet. Mr. Buchanan says:—

> "The only portion of the proposal of Her Majesty's Government to which the Danish Government strongly objects is that which relates to the reduction of the transit dues, a very influential portion of the Danish Cabinet being of opinion that to agree to such a proposition would be inconsistent with the dignity of the King of an independent country; but as Her Majesty's Government made the reduction of those dues a *sine qua non*, a convention embodying the proposal was eventually agreed to by the Danish Government. The subject has, however, occasioned serious differences of opinion in the Danish Cabinet, and M. Andre, the Minister of Finance, was not present at the Council, and has placed his resignation in the hands of the King."

I wish to direct the attention of the Committee to that passage for the purpose of showing the terms which the British Government proposed upon the subject, and the reception which those terms met with at the hands of the Danish Government. Her Majesty's Government were of opinion that the transit dues operate as a protective duty in the case of the Sound Dues, and that the question of their remission might very fairly be introduced into the negotiations upon the subject of those dues. It was, however, no easy matter to prove that the transit dues did in reality operate as a protective duty; nor was it ever admitted upon the part of the Danish Government that such was the fact. They, upon their part, maintained that they had, independently of the remission of the transit dues, conceded as much as we were entitled to demand, and that as the transit dues were levied they could be regarded only in the light of a source of national revenue, in reference to which no foreign Power possessed the right to interfere. Now, it must be admitted, that it is not exactly the proper function of the British House of Commons to criticise the Ways and Means of the Danish Government, and that they have a right to impose such taxes as they deem best suited to the exigencies of their country. What should we think, for instance, of a foreign Power that should say to us, "You must allow our subjects to pass through your turnpikes without the payment of a toll?" We should consider such a proposal an undue interference with our internal traffic, and a precisely similar view of the proposition for the reduction of the transit dues was not unnaturally taken by the Danish Government. It might certainly be contended that such dues were a bad source of revenue, but the House of Commons have surely no business to go into that question. To the extent to which the transit dues were levied for the purposes of internal revenue, they lay beyond our purview. The hon. Gentleman who opposed Mr. Speaker leaving the chair said it was not the amount of the transit dues that he objected to. Surely that statement conceded the matter in issue. If it is once admitted that an internal duty is not objectionable in amount, this House cannot go further into the discussion. I trust, therefore, that under all the circumstances of the case, the Committee will come to the conclusion that Her Majesty's Ministers have obtained from the Danish Government as favourable terms with respect to the transit dues as they were entitled to expect, and that, looking to the whole arrangements which have been entered into, the importance of preventing a hostile collision between the United States and Denmark—the importance of preventing an arrangement being made for the redemption of the Sound Dues with some European Powers while we remained strangers to it—the importance of reducing these duties, and thus freeing our vessels, not only from the dues themselves, but from other charges which they brought in their train, and from the necessity of detaining the ships at the Sound—and looking also at the fact that four-fifths of the transit dues across Denmark have been reduced, I do trust that, having regard to all these circumstances, the House will come to the conclusion that, provided the pecuniary payment is considered reasonable, they will virtually ratify the treaty entered into. With regard to the amount of the redemption money, not only our own Minister who negotiated the treaty, but the very intelligent plenipotentiaries of the other Powers in the immediate vicinity of Denmark, who were more likely to be well informed as to the amount levied by the Sound Dues, came to the conclusion that the terms proposed were reasonable, and such as might reasonably become the foundation of an European compact. Russia, Austria, France, Belgium, Mecklenburg, Oldenburg, Prussia, Sweden, and other Powers are parties to the treaty on precisely the same terms as Great Britain, and the signatures of their plenipotentiaries are affixed to the same instrument. I therefore trust that the Committee, looking to all the circumstances, will be disposed to approve the discretion exercised by the Government in coming to this arrangement. There is one point on which I have to ask the attention of the Committee, and it is as to the nature of the conditional agreement made by Her Majesty's Government with the Government of Denmark with respect to the payment of this large sum, because, undoubtedly, the sum I am asking the House to charge upon the Consolidated Fund is a sum of very considerable amount. The Committee will observe that no other course could have been adopted by Her Majesty's Government which would have left the discretion of Parliament more completely unfettered, or by which they could have called the House to their council at an earlier period. The subject was referred last year to a Select Committee before a final answer was given. The Select Committee examined our Minister at Copenhagen, who had conducted the negotiations, and had the power of putting any questions to him they thought proper. They also had communicated to them all the diplomatic correspondence that had taken place up to that period on the subject. The Committee must be aware that even if the treaty-making power were vested in the Houses of Parliament, as it is vested in the Senate of the United States, it would still be necessary to confide to one person, who would probably be our Minister at a foreign court, a discretionary power to negotiate the details of the treaty. It would be impossible for a legislative assembly to make a treaty with a foreign Power, without giving such a discretionary power to some person. Look at the case of the treaty recently negotiated with the United States in regard to Central America. The Committee are, of course, aware, that in the United States the President has not the power of ratifying the treaty, but that the power of ratification resides in the Senate. The treaty with regard to Central America was negotiated in London by Mr. Dallas, the United States Minister, with my noble Friend (Lord Clarendon), Her Majesty's Secretary of State for Foreign Affairs. They fully discussed the circumstances, and after they had come to an agreement, a treaty was signed by both, which was remitted to the United States for the approval of the Senate. The Senate, however, made alterations in that treaty, and hitherto no final arrangement has been come to. But that shows, that even if this House had the power of ratifying a treaty, instead of only furnishing the funds necessary for its completion, they must have confided to Mr. Buchanan, or to some other Minister, the power of negotiating and signing a treaty for their consideration. There was no other course by which the action of Parliament could have been left more unfettered, or by which its advice could have been earlier called in. The treaty was made to take effect from the 1st of April last, but there was a protocol signed by the British Minister by which the Danish Government engaged to take bonds provisionally from British vessels passing the Sound after the 1st of April, on the understanding that the dues were not to be exacted if Parliament ratified the treaty; but that the Danish Government would have the power of exacting payment if Parliament refused to ratify the treaty. No precaution has, therefore, been omitted by Her Majesty's Government for securing a full and unfettered consideration of the whole subject by Parliament. As to the mode of paying the sum of money a separate convention has been entered into, by which the British Government undertake to pay the sum, not as they might have done, by an annuity extending over twenty years, but at once and within three months after the Act is passed. I will now state why the Government preferred that arrangement to the mode of paying the amount agreed to by other Powers. We were of opinion that there would be no advantage in tying up our hands by a terminable annuity. The time fixed by the treaty was twenty years; but in the event of a necessity arising for having resort to a loan, it appeared to us that a somewhat longer time might with advantage be gained. I have, therefore, made an arrangement with the Bank of England, in the event of the Government finding it expedient to raise the amount by a terminable annuity, by which they agree to advance the sum immediately upon a terminable annuity of £64,700 for thirty years, or of £60,014 for thirty-five years for liquidating the sum of £1,125,206. Upon these terms the Committee will perceive that there will be no difficulty in raising the loan, and I should be disposed to recommend that course to the Committee, if it were not that the present state of the balances in the Exchequer seems hardly to justify a resort to loans. In the financial statement which I made at the commencement of this year, I informed the House that a part of my statement of the revenue and expenditure of the year ending April 1, was necessarily founded upon an estimate. I made that statement on the 13th of February, and for the rest of February and the whole of March I was compelled to make an estimate both of receipts and expenditure. It is generally prudent in such estimates to be on the safe side, and I estimated the income at £71,885,000, and the expenditure of the year at £78,000,000. I calculated the balances in the Exchequer at the end of the financial year as compared with the balances at the end of the previous year at £1,384,000. But the actual result was, that the income of the year, which I calculated at £71,885,000, amounted to £72,334,000, and the expenditure, which I estimated at £78,000,000, was really only £76,588,000, being £1,412,000 below my estimate. Thus, the excess of income being £449,000, and the deficiency of expenditure £1,412,000, there is a sum of £1,861,000 in favour of the public beyond the estimate that I then stated to the House. The result is, that the balances in the Exchequer at the end of the year, instead of being £1,384,000, were £3,245,000 in excess of the balances at the end of the previous year. That difference shows that there is a sum of £1,861,000 in the Exchequer, which is available for the service of the present year beyond what I then stated. In my estimate I included £2,000,000 for the payment of the Exchequer bonds which were due early in the month of May. These bonds have been paid off, but that even after that large payment there should remain the present aspect of the balances in the Exchequer, is owing partly to the circumstance I have mentioned, and partly to the fall in the duties of tea, in consequence of which a large portion of the duties were withheld during the quarter ending the 1st of April, and fall into the Ways and Means of this year, instead of those of the year preceding. Taking all these circumstances into consideration, I do not feel justified, at the present moment, in asking the Committee for any borrowing powers: I therefore propose to charge the Consolidated Fund with the whole amount, and to pay it out of the present balances in the Exchequer. It would be possible, no doubt, to resort to a loan in the nature of a terminable annuity, by which a charge would be imposed on the public for a series of years of between £60,000 and £64,000 per annum. If that arrangement were adopted, provision might be made for the payment of that annual sum by a special Customs duty on articles imported from the Baltic, calculated to yield the requisite amount. This plan has been carefully considered by the Government; but though, possibly, some arguments may be adduced in its favour, it appears to proceed to a great extent on an assumption of very doubtful validity—namely, that the Sound Dues are a charge on the persons engaged in the Baltic trade; whereas it seems to me they must ultimately be regarded as falling upon the general consumers of this country. They are an addition to the expenses of the navigation through the Sound; and the merchants engaged in that trade, although subject to occasional losses from the capricious detention of their vessels and other causes, no doubt obtain the average profits on their capital. The charges consequent on the collection of the Sound dues being therefore ultimately borne by the consumer, would any particular benefit arise from imposing a duty on tallow, hemp, timber, corn, or other articles imported from the Baltic, with the view of indemnifying the Exchequer for the redemption of these duties? If this were done by the expedient of annuities, the amount would hardly justify the imposition of a special class of Customs' duties of the nature to which I have referred; and it is not my intention, therefore, to make such a proposition to the House. At the same time, if the House entertain insuperable objection to charging the proposed sum on the general revenue of the country — if they think the consumer would not be benefited by the remission of the Sound Dues—it will, of course, be competent for them to resort to the contrivance which I have alluded to. I have troubled the Committee at considerable length on this subject, but I have thought it right to lay before them distinctly the grounds on which, after mature deliberation, this arrangement has been made. And notwithstanding the magnitude of the sum by which this boon has to be purchased, I can scarcely doubt that, on a careful investigation of the question, the Committee will come to the conclusion that the exemption would be of the greatest value to the commerce of this country; that it would free from most harassing and inconvenient restrictions an important branch of our trade and navigation; and that we should be consulting the lasting and solid interests of our commerce by acceding to the arrangement now proposed, and by authorizing the Crown to complete the agreement which has been provisionally entered into. The right hon. Gentleman concluded by placing in the Chairman's hands a Resolution that a sum of £1,125,206, be granted out of the Consolidated Fund to compensate the King of Denmark for the abolition of the Sound Dues.

MR. WEGUELIN said, he desired to express, on the part of those engaged in the Baltic trade, his acknowledgments to the Government for the treaty which it had entered into with the Danish Government. He considered that the negotiation of that treaty had been very successfully conducted by Her Majesty's Representative at the Court of Copenhagen. He thought the thanks of the country were due to him for having brought the negotiations with respect to the Sound Dues to a satisfactory conclusion. The effect of the treaty on the trade carried on by this country in the Baltic was not exactly to be measured by the amount paid in dues, which the right hon. Gentleman the Chancellor of the Exchequer had, he believed, correctly estimated at about £75,000 per annum. The great objection to the Sound Dues was the detention of vessels. The loss and inconvenience sustained by the merchants by that detention very far exceeded the pecuniary charge in the shape of Sound Dues. It had been estimated that on an average every vessel which had to pass through the Sound was detained three days there in order to effect her clearance. It was not that her actual detention for the purpose of paying the dues amounted to that time, but the accidents by change of wind, and such casualties to which the official detention subjected them, made the average loss of time amount to three days. Now, if the Committee took the interest for three days on the property conveyed through the Sound, they would arrive at an idea of the very great injury done in the shipping trade by such a detention. He believed that the Select Committee must have included that amount in their Report when they put down the whole detriment as amounting in money loss to something like £300,000 a year; for he thought it hardly possible that the agents' dues, which were per-centage dues on the dues paid by the Government, could raise the annual loss by dues paid from £75,000 to £300,000. He should have been glad to have heard from the right hon. Gentleman the Chancellor of the Exchequer more details of the principle by which the proportion to be paid by this country of the general indemnity had been fixed. He thought that the right hon. Gentleman was perfectly correct in holding that the Sound Dues ultimately fell on the consumers of the country, but he should have wished to hear some details as to whether the relative quantities of goods consumed by England and foreign countries had been taken into correct account when the indemnification was being apportioned. He, however, presumed that this point had been duly considered, for he found that Russia had to pay nearly as large a share of the indemnity as England. With regard to the transit dues on the goods conveyed by railway through the interior of Denmark, he did not think that was a matter with which our Government could have dealt, except it had appeared that those dues had been laid on as countervailing dues, in consideration of the abolition of the Sound Dues. These transit dues had never been oppressive on the commerce of this country, and, therefore, he did not think we had any right to complain of them. As to the advantage which the hon. Member for South Northumberland (Mr. Liddell) appeared to think Russia had obtained by her facilities for internal transport, he (Mr. Weguelin) did not think that it was a reality. The goods likely to benefit from a reduction of transit to Russia were goods imported into Russia, the cost of which was borne by the Russian consumers. A class of persons denominated Sound agents had hitherto taken up their residence at Elsinore, their business being to negotiate the payment of the Sound Dues between the ships passing through and the Danish Government. He hoped that the English Government would not forget to suggest to the Danish Government the propriety of giving some compensation to these agents, now that their occupation was about to be put an end to by the redemption of those duties.

Mr. BRAMLEY-MOORE said, he could not concur in the remarks of the hon. Gentleman who had just sat down, or of the right hon. Gentleman the Chancellor of the Exchequer, as to the proposed redemption. He, of course, admitted that it was absolutely necessary to the completion of a negotiation that something should be given up, but it was his opinion that our Government had yielded too much to the claims of the Danish Government in reference to this question. He did not think that the House of Commons would be justified in voting so large a sum as £1,125,000 for the redemption of these dues. No individual acting in his private capacity would enter into the bargain which the Chancellor of the Exchequer had asked the Committee to ratify. He (Mr. Bramley-Moore) was a Member of the Select Committee on the Sound Dues, and had the advantage of having heard the whole of the evidence, which proved most distinctly that the British shipowners did not complain so much of the amount of the Sound Dues as of the detention of their vessels. One of the witnesses called to prove that detention was the hon. Member for Southampton (Mr. Weguelin). The hon. Member for Southampton now said that the average detention was three days; but in no less than three places in his evidence before the Select Committee he estimated it at only twenty-four hours. He could not entirely concur in the statement of the Chancellor of the Exchequer that this was an international question. To a certain extent it was such; but when the Committee considered the origin of these dues, that they were a sort of compensation in early times to the Danish Government for the protection of vessels against pirates, at a part which was now not at all troubled by pirates, and that for seventy years the Swedish Government was altogether exempted from payment of these dues, he thought it would be seen that it was a question not of international law, but merely of treaty. At the treaty of Bromsbro in 1645, Scania and other provinces were ceded to Sweden, and an exemption from Sound Dues, but with the stipulation that Sweden should not exact any for herself. At the treaty of Fredericksburg in 1720 further concessions were made to Sweden, and a stipulation that she should again resume the payment of the Sound Dues, which she has continued to do to the present time. Up to the year 1815 these dues went into the King's private purse. The Danish Government had acted in this matter with a sagacity and foresight to which the English Government could lay no claim. The Chancellor of the Exchequer had led the Committee to believe that the amount annually paid by British vessels in respect of these dues was between £200,000 and £300,000, and that the English Government had, therefore, made a good bargain by redeeming them at the price of £1,125,000; but there was no warrant for saying that the annual payment was anything like £200,000 or £300,000. [The CHANCELLOR of the EXCHEQUER: I quoted the words in the Report of the Select Committee.] The amount really paid for dues was about £70,000 per annum, and, when the Report stated that the burden which the dues imposed upon British commerce was between £200,000 and £300,000 a year, the Committee meant, not that anything like that sum was exacted by the Danish Government, but that between agents, captains, &c., the burden amounted to the sum mentioned by the right hon. Gentleman. In entering into an arrangement of this nature the Committee ought to be made acquainted whether the trade in question was increasing or diminishing. Now, the fact was that this was a diminishing trade. In the year 1853 our exports to Russia (it would be unfair to refer to the years 1854–5–6, as they were a mere nothing, in consequence of the war) were £1,100,000, but a few years previously they were £1,500,000. In the year 1849, the celebrated year of the repeal of the Navigation Laws, the number of British vessels that passed the Sound was 6,846; in 1853 the number had decreased to 4,665, showing a falling off of 2,181 vessels. But how stood the case with regard to foreign vessels? In 1849 the number of Prussian vessels that passed the Sound was 1,356, whereas in 1853 it had risen to 3,472, showing an increase of 2,116 vessels, being about an equivalent of the decrease in the British vessels during that period. The number of ships belonging to Sweden and Norway which passed the Sound was, in 1849, 5,038; in 1853, 5,387, showing an increase of 349. With regard to the Hanse Towns the increase was still greater. In 1849, 311 vessels belonging to the Hanse Towns passed the Sound; in 1853, 743, or more than double. He thought it was fully established, therefore, that we had been making a bargain with a decreasing trade, while the trade of other countries was an increasing one. Then he thought the arrangement, if effected at all, ought to apply equally to the Sound and the transit duties, for unless both were abolished we were paying our money without any proper equivalent. But even if we obtained a redemption of the dues payable both by land and water, we had no security whatever that they would not be reimposed in another way. He knew an attempt was made to provide for this by the treaty, but suppose the Danish Government increased their customs duties, how could we prevent it, consistently with a due regard for the rights of Denmark as an independent kingdom? It appeared to be considered that England must always pay for everything, no matter what. Upon the same principle, why did we not call upon foreigners to contribute for the purpose of abolishing our passing tolls? No such demand was ever thought of. If we found passing tolls to be an impediment to commerce we ourselves removed them without asking foreign countries to do it; let Denmark, therefore, act in like manner in this instance. But there was another difficulty which occurred to him in connexion with this subject. All nations ought to concur in contributing towards the redemption of these dues. They did not, however. He was not aware that America had agreed to pay, and the consequence was that when we had handed over this money, America would step forward, and would claim the same rights as were enjoyed by England, France, and other nations, and would compete with us on equal terms without having had occasion to put her hand into her pocket. Besides America, however, Spain, Portugal, the Italian States, Greece, and the whole of South America were in the same position, and represented in the aggregate a sum of £500,000, on the terms of redemption adopted by England. Now, it was perfectly idle to suppose that the Danish Government would maintain their establishments at Elsinore for the purpose of enforcing the dues upon these dissentient nations. There would be no means of excluding them from participating in the trade of the Sound. The tenor of the evidence given by Mr. Thompson, Mr. Pearson, and the other witnesses examined before the Select Committee was to this effect—that they did not complain of the money payment but of the delay occasioned. Could not Her Majesty's Government enter into arrangements with Denmark for putting an end to these delays? He did hope the Committee would not sanction the payment of this money, which was to be taken from the pockets of the people of this country without any security that the dues to be redeemed by it would not be reimposed in another shape. Suppose the case of a war with Denmark. We should have furnished her with the sinews of war in the shape of this £1,125,000! Altogether he considered the measure impolitic and unsound, and as such he ventured to oppose it.

Mr. W. WILLIAMS said, he thought it most unjust to impose a tax upon the people of this country exclusively for the relief of the Baltic merchants. It was stated that the amount of tolls paid by these merchants was about £72,000 a year, and that the detention of their vessels, and consequent loss of time, cost them £200,000 or £300,000. The Chancellor of the Exchequer had intimated that one mode of raising the sum required for the redemption of the dues would be by terminable annuities. Now, he thought the just way of dealing with the question would be to raise the money required in the manner suggested, and to repay it by levying dues upon ships trading to the Baltic. The tax would be insignificant in amount, would only be imposed for twenty or twenty-five years, and would with far more justice be borne by the Baltic merchants than by the people generally. Passing to another point, he would remark that the Chancellor of the Exchequer had stated no reason why the United States should not pay a part of the gross amount required for the redemption of the Sound Dues. It was said, "Oh! the United States won't pay." Well, suppose we were to say, "England won't pay." We had just the same power of withholding payment as the United States, and were no more called upon to contribute our *quota* than she was. It seemed to him that in this case, as in many others, America, by acting upon true and independent principles had acquired for herself that justice which other nations, and especially this country, had failed to obtain.

Sir HENRY WILLOUGHBY said, he thought that the whole question with which the Committee had to deal turned on this—did the Sound Dues fall on the Baltic trade or on the consumers? Take any article of commerce coming from the Baltic and paying this tax, would the importer of this article be enabled to charge the tax upon the consumer? He should certainly wish to have that matter cleared up before they voted to a foreign country so large a sum as £1,125,000. The right hon. Gentleman the Chancellor of the Exchequer had said that the income of the country for the last year amounted to £72,000,000, and the expenditure to £76,000,000 in round numbers. From that statement he thought it was tolerably plain that the £1,125,000 was not to come out of the income over expenditure for the year, but out of the loan raised for last year's expenditure; in other words, that this large amount was to come out of the pockets of the people, to be paid by the taxation of the country. This at once brought them to the question, did the Sound Dues fall on the Baltic trade or on the consumers? Now, that was a doubtful question. It was, at least, a nice question of political economy. He believed that a large portion of the dues went into the pockets of those who traded to the Baltic and those to whom the produce belonged; and it certainly did not appear to him to be a fair and just arrangement to place upon the taxpayers of the United Kingdom the large sum of £1,125,000.

Mr. ADAMS said, that looking at the vexatious character of the Sound Dues, their redemption, whatever the price paid for it, would undoubtedly be regarded as a great relief by the shipping interest. It was not simply the amount of those dues, but the detention and annoyances to which they gave rise, which rendered them an almost intolerable grievance; and he doubted if the actual loss they occasioned to the commerce of this country was overestimated when it was put, as it had been by the right hon. Gentleman the Chancellor of the Exchequer, at between £200,000 and £300,000 a year. It seemed to him, therefore, that the bargain which had been entered into was, on the whole, an advantageous one. It should also be remembered that there were two parties to the bargain; that we could not say we would have it on our own terms; Denmark was certainly in the condition of saying what were her terms also; and that, however determined we might be in offering less, she might equally insist upon asking more. So far as we were concerned the whole spirit of our legislation of late years had been to do that which seemed right for the general liberation of commerce, irrespective of the question whether or not that policy would be beneficial to other nations as well as to ourselves. For these reasons, then, he should be prepared to give his support to the arrangement. But more than that; considering that the conduct of the treaty had been entrusted to perfectly competent authorities, he should be willing to concede much to negotiators, who must have taken into account all the surrounding circumstances of the question, and he was sure would endeavour to make the best bargain for their country. They might lament that other countries would not come into the arrangement. The United States, for instance, it was generally understood, had declined to do so. He did not, however, agree with the Chancellor of the Exchequer that her reason was that she was not a member of the family of European nations. He had always understood that she had denied the legality of the toll in the first instance, and contended that being illegal she was not bound to pay it. But there was no question that England had paid it for a considerable number of years; and that, under the provisions of treaties, and by the acquiescence of this country in the payment of it for many years, Denmark had acquired that indefeasible title which nothing but a resort to force on our part would enable us to evade. He regarded it as the first principle of political economy that duties fell upon the consumer. All outgoings were calculated by the shipowner, and the amount of freight was proportionate to the expenses incurred. In that manner these dues ultimately fell upon the consumer; and to get rid of them by imposing a partial tax upon shipowners would be only substituting one grievance for another. Speaking in behalf of the shipping interest of the port he represented (Boston), he felt greatly obliged to the Government for having relieved the trade of that port, especially the timber trade, by the treaty they had concluded with the Government of Denmark for the abolition of those duties.

Mr. CLAY said, he fully concurred in the opinion just stated by the hon. and learned Member for Boston, that this tax fell upon the consumer, and rejoiced exceedingly at the prospect of getting rid of it. It was admitted by every one not to be a question of money as much as a question of annoyance, and he thanked the Government for concluding a bargain which would be generally beneficial to commerce.

Mr. RIDLEY said, he was unwilling to forego the immense advantage of an abolition of the Sound Dues simply because they could not at the same time get rid of the toll levied on goods *in transitu*. That was only a small bone of contention. The large bone of contention was the grievance of shipping being detained and large expenses incurred by agents at Elsinore, in addition to the amount of dues paid to the Danish Government.

Mr. WILSON said, he did not think it necessary, after the observations which had fallen from the hon. Members for Boston and Hull, to make any remark upon the incidence of this tax. It was quite clear that whatever the shipowner paid, the public had to reimburse in the price of the goods. Indeed, the public had to pay for loss of time, and every incidental disadvantage to which the shipowner was subjected. As to the question whether this charge should be made directly upon the shipowners or upon the Consolidated Fund and paid by the public at large, the very same observation applied; because, if a charge were imposed upon shipping going to the Baltic in order to indemnify the Consolidated Fund, the public must in their turn indemnify the shipowners, and thus we really arrived at nearly the same payment by the public, only in a very roundabout way; and he might at the same time observe, that in these roundabout payments the public were always losers. In one shape or another they had had to pay this charge hitherto, and they would have to pay it now. All experience had shown, however, that great advantage invariably accrued to the public from the withdrawal of restrictions; and when it was considered that the goods which came from the Baltic included many of the raw materials of manufactures and some of the prime necessaries of life, it must evidently be for the interest of the public — whether regard were had to the price paid for the commodities or to the pressure upon manufacturing industry — that such restrictions should be altogether removed. He thought, from the discussion that had taken place, that that was generally admitted by the Committee, and, if it were, he did not see that any better mode could be devised for carrying out the object in view than that which had been proposed by his right hon. Friend the Chancellor of the Exchequer. To resort to a terminable annuity he believed would be the least advantageous plan that could be adopted, and there could be no doubt that if we were prepared to pay the amount at once out of the balances of the Exchequer that no method could be more profitable or economical for the country. He had risen principally, however, in consequence of a complaint which had been made by the hon. Member for South Northumberland (Mr. Liddell) of delay in the production of certain documents relating to the Danish transit dues. He was bound to admit that there had been some apparent delay in this matter on the part of the Treasury, but the circumstances of the case were these:—In November last he was waited on by Sir Samuel Morton Peto and others, who were deeply interested in certain railways, and in the transit duties of Denmark, and they presented a memorial and a letter to the Treasury. The subject was not one which immediately concerned the Treasury, and he forwarded the memorial and letter to the Foreign Office, the Department to which the matter properly belonged, together with a letter from the Treasury strongly urging the Foreign Office to use all the means in their power to induce the Danish Government to comply with the wishes of the memorialists. These documents were transmitted to the Foreign Office on the 25th of November, and on the 29th a communication was received from Lord Shelburne, the Under Secretary of State, acknowledging their receipt. On the 20th of December the Treasury received another letter from the Foreign Office enclosing a communication from Mr. Buchanan, the British Minister at Copenhagen. Now he apprehended that any one who had read that letter from Mr. Buchanan must see that the matter was then concluded; and it must at the same time be remembered that when we came to treat upon the internal regulations of an independent State, it was a very delicate matter for one Government to appear to force any particular view upon another. Besides, Mr. Buchanan stated in his letter that he had brought before the Danish Minister the subject of that communication, and that the Danish Minister had given him good and substantial reasons why the Danish Government could on no account comply with that request. It must not be forgotten that the Danish Government had already of their own accord, and very greatly to their credit, reduced the transit dues to one-fifth of their former rate, and it was a very delicate thing for the English Minister after such a liberal reduction to press with great pertinacity the views of the English merchants or even of the Government upon such a subject. But the great difficulty in the way of the concession of that point by the Danish Government was thus explained in Mr. Buchanan's letter of the 10th of December:—

> "It must also be remembered that the reductions about to take place will not much affect the dues levied on the Berlin Railway, which I understood form nearly one-half of the whole revenue hitherto derived from transit dues. Therefore, even if the Danish Government were willing to make a sacrifice of the dues levied on railways between Danish ports on the North Sea and the Baltic, for which they might hope to obtain some compensation by an increased traffic, they would be deterred from doing so by the clause in the general treaty which is about to be submitted to them, stipulating that all privileges and facilities granted to Danish railways must be also extended to those crossing their territory from Hamburg to Lubeck, Mecklenburgh, and Prussia, the traffic on which can never in any way promote the industry or prosperity of Denmark."

The conditions of the treaty, therefore, imposed on the Danish Government the necessity of treating the transit dues on all those railways in the same way as on that single railway; and that was a conclusive reason in the mind of Mr. Buchanan why he should not urge further on the Danish Government the view of the English merchants. It had been represented to him (Mr. Wilson), however, by the Gentlemen who had waited on him at the Treasury that it was not so much the charge upon goods as the detention which was so vexatious and distasteful to the English merchants ; but it seemed that upon that point the Danish Minister had shown every disposition to meet them, for Mr. Buchanan went on to say — "He," the Danish Minister,

> "Would, however, willingly, he said, recommend to the Department of Customs that every possible facility should be granted to the railway, and that some arrangement should be devised for preventing delay in the collection of the dues. I therefore venture to suggest that, in the event of the Danish Government declining to abolish the dues, which appear to be almost certain, an arrangement should be made by which goods, intended to be landed at Tonning for transmission by railway, should be classified and weighed before shipment, and that a certificate from the English custom-house of the weight of the goods subject to transit dues in each cargo should be delivered to the Danish authorities as the weight on which the railway would have to account to them for dues. I am not aware whether such an arrangement would be found inconvenient in England, but, as far as the Danish Government are concerned, it appears to me that it would be merely a slight modification of the system according to which the amount of Sound Dues to which a cargo is liable has been hitherto ascertained at Elsinore."

That appeared to him (Mr. Wilson) to open the door for remedying the main grievance which the merchants complained of ; and as it was a matter which belonged strictly to the department of the Treasury, he tried to see what arrangement could be made on this side of the water for the classification of goods, in order that no detention might occur when they were landed at Tonning. He accordingly wrote to the gentlemen who had called upon him, offering to make an appointment with them, in order to consider Mr. Buchanan's suggestion upon this point, and he certainly expected that they who had shown so much anxiety to get rid of the delay and inconvenience of which they complained, would have been glad of an opportunity of discussing the means by which shipments might be made in the classified form proposed. He had, however, never heard from them upon the subject. On the 14th of January they certainly wrote him another letter, in which they forwarded new information—though it did not materially affect the point—and they urged still upon the Government to endeavour to obtain a remission of the transit duties altogether before the treaty was signed. Those papers were not transmitted by the Treasury to the Foreign-office at the time, but he had had personal communications on the subject with the Secretary of State for Foreign Affairs and also with the Under Secretary, and he was told that the matter had been so much pressed already on the Danish Government, and that Mr. Buchanan had expressed himself so conclusively on what the decision of that Government was, that it would only be delaying the treaty to urge the matter further, which was not considered to be either wise or desirable. Then, on the 8th of May, the hon. Member for South Northumberland moved for these papers, and when he asked him (Mr. Wilson) whether he had any objection to produce them, he stated that he had none whatever, but he asked the hon. Member to postpone his Motion for a day or two in order that the correspondence might be formally completed. His only object in delaying bringing forward the papers in question was to obtain, in the shape of a formal answer, from the Foreign Office the substance of that which had been personally communicated to him before, in order that the whole of the correspondence might appear more complete. Therefore, on the 8th of May he transmitted those papers formally to the Foreign Office, and the answer from the Foreign Office was dated a day or two later. Although there appeared, therefore, to have been some delay in closing the correspondence it was only a delay upon a matter of form, and practically there had been no time lost in the consideration of the papers, and in endeavouring to secure for the merchants that which they were anxious to have accomplished. That was the explanation which he had to give of the delay which had taken place in the presentation of the papers.

Mr. LIDDELL said, he was given to understand that a very strong feeling existed in the Danish Imperial Council itself in favour of the entire abolition of the transit dues, and it was his opinion still that it only required a little pressure to have effected that total abolition. The arrangement without it was incomplete and unsatisfactory.

Mr. G. DUNDAS said, he shared in the dissatisfaction expressed by the hon. Member for South Northumberland (Mr. Liddell) at the shortcomings of the proposed arrangements with respect to the transit dues, and he thought that if the House would consent to "put the screw on," they would induce the Danish Government to concede all that we had a right to ask in that matter, and so secure the trade being open to us, and the abolition, not only of the Sound, but also of the transit dues. If they calculated the basis upon which it was proposed to redeem the Sound dues, the insignificant sum of £6,200 would have been quite sufficient for the purpose. He thought, therefore, that the treaty was most incomplete.

Mr. BRAMLEY-MOORE said, he wished to know if it were ascertained that Prussia had been favoured in the collection of these transit dues. It was stated in evidence that she had had one-third of the amount returned; and Mr. Buchanan said he had been assured that it was the fact. He wished to say one word in reply to the observation of the hon. Secretary to the Treasury (Mr. Wilson), that the Sound Dues fell upon the consumer. Now he was well aware that as a general rule, whatever taxes or duties were levied the consumer had to pay them in the end; but then there were exceptions to the rule, and that of the Sound Dues was one of them. For instance, if the same import duties were levied upon the produce of all parts of the world alike, unquestionably their burden would fall upon the consumer. But take the article of timber; if only one-tenth of the quantity of timber imported into this country came from the Baltic, and the remaining nine-tenths from other parts of the world, it was clear that the dues levied on the one-tenth as Sound Dues must fall on the merchant and producer, and not on the consumer.

The CHANCELLOR of the EXCHEQUER: Sir, it is not necessary for me to trouble the Committee at any length, inasmuch as it appears to me that this subject has been well discussed by the hon. Members who have taken part in the discussion, and that, notwithstanding the minor differences of opinion and the strong expressions of dissent which have proceeded from some quarters — founded chiefly on the question of the transit dues and not on that of the Sound Dues—there appears to me to be a disposition on the part of the Committee favourable to the proposition which has emanated from the Government. With reference to the observations which fell from the hon. Gentleman the Member for Maldon (Mr. Bramley-Moore)—who, I must say, attended the Committee which sat last year with much diligence, and showed great industry in applying his mind to the subject under consideration—I regret that I have altogether failed in making my meaning intelligible to him. I thought I had stated that the sum on which the redemption-money was calculated was the amount of shipping dues paid by English vessels passing through the Sound, and not on any charges in addition to that amount. If hon. Gentlemen would refer to the Reports of Mr. Buchanan, our Minister at Copenhagen, they would see that that sum was estimated by the Danish Government at £75,730 a year; that the total capital on which, in the first instance, the redemption was calculated by the Danish Government was 60,000,000 rix-dollars, and that the sum which, according to that original calculation, would fall to the share of Great Britain was £1,893,000. The sum was objected to, and it was subsequently reduced from 60,000,000 to 35,000,000 rix-dollars, or not much more than half the original amount, and the sum which England has to pay was reduced from £1,893,000 to £1,125,206. The Committee will therefore see that a considerable reduction has been made in this demand, and that that reduction has been acceded to by the Danish Government. In addition to the £75,730 representing the annual amount of dues paid by English vessels passing the Sound, there are to be calculated the charges imposed on vessels on different grounds, and estimated by competent and well-informed persons at from £200,000 to £300,000 a year, and in addition to that again there is the extra charge and inconvenience arising to traders from the detention of vessels which takes place from time to time. The hon. Member for Maldon says we have made a bad bargain. If we have made a bad bargain, all I can say is, that we have erred in good company, for we have done so in common with all the principal Powers of Europe, and after a full and deliberate examination with them of the whole subject. I can scarcely conceive that greater security could be taken for an arrangement of this sort than the scrutiny and investigation of the Plenipotentiaries of so many of the considerable Powers of Europe, all of whom had a direct personal interest in the result, and all of whom directly concurred in the arrangements embodied in this treaty. What would be the result if we were to adopt the proposal of the hon. Gentleman, and refuse to ratify and conclude this treaty, and were to attempt to reopen the subject? In the first place we should negotiate singly, instead of negotiating in company with France, Russia, Prussia, and the other Baltic Powers, and we should be negotiating in the face of this fact, that we should be asking Denmark to give to us more favourable terms than have been granted to those other Powers, and Denmark would find it impossible to reduce the terms agreed to by us without at the same time granting a corresponding reduction to the other Powers concerned. I think, therefore, it will be obvious to the Committee that if we refuse to conclude this arrangement we shall not only not obtain better terms, but we shall obtain no terms at all, and that our ships will be still subject to the Sound Dues, while the ships of all the other great Powers of Europe will be free from those dues. Again, it is said that we have made a great mistake in completing this arrangement without the concurrence of the United States. In the first place, the share which the United States has at present in the trade of the Baltic is insignificant compared with that of the great European Powers. I find, in proof of this, that the average dues paid by the United States in the eleven years from 1842 to 1853 was 911 rix-dollars, whereas the average amount paid by Great Britain in the same period was 35,373 rix-dollars. This shows that the exclusion of America from the arrangement was of no great practical importance. But there is one paragraph in the letter of Mr. Buchanan which the hon. Gentleman (Mr. Bramley-Moore) appears to have forgotten. Mr. Buchanan says:—

> "I have been assured by the Danish Commissioner that a treaty between the United States and Denmark is ready for signature, in which the American Government engages to pay to Denmark the proportion of the general compensation money assigned to the United States in the table enclosed in this despatch."

Therefore, if that information be correct, we may assume that by this time—or at all events at no very distant period—the United States will become parties to the treaty. The hon. Gentleman has likewise said that means may be found of avoiding this treaty, and that Denmark may impose Customs duties which will be equivalent to the Sound Dues. I must remark, however, that Customs duties would not be an equivalent for the Sound Dues, because those dues are levied upon all ships passing the Sound, although their destination may not be Elsinore, Copenhagen, or any Danish port, but they may be proceeding to some Prussian or Russian port. Therefore, even if the Danish Government were to alter their Customs tariff—which I do not think they are likely to do—that would in no way affect the question of the Sound Dues. I have before me a statement of the number of ships which have passed the Sound during the years since 1845, and I find that in that year the number of British ships was 3,645; in 1849 it had increased to 6,800; in 1850 it underwent some diminution; in 1851 and 1852 there was a further diminution; in 1853 the number was 4,665; in 1854 and 1855, the years of the war, there was a considerable diminution; but in the last year the number rose to 4,772. I trust, Sir, that with these explanations, the Committee will think fit to agree to the arrangement which we propose, and that they will see that if they do not sanction the treaty agreed to by the Government there is no probability that any more favourable arrangement can be effected with Denmark, but that they must choose between the two alternatives of confirming this treaty, or of allowing the Sound Dues to be levied as at present upon all British vessels engaged in the Baltic trade.

Resolution *agreed to.*

Resolved, "That a sum of £1,125,206 be granted to Her Majesty, out of the Consolidated Fund, for the purpose of compensating the King of Denmark for the abolition of the Sound Dues."

House resumed.

Resolution to be reported on *Monday* next.

CASE OF THE REGIMENTAL SERGEANTS—QUESTION.

On the Motion that the House resolve itself into a Committee of Supply,

SIR JOHN TRELAWNY asked the Under Secretary for War whether the Minister for War has any intention of taking into his favourable consideration the case of certain Sergeants who appear to have been accidentally excluded from the intended benefits conferred upon non-commissioned officers by the Order of the 16th of January, 1857? His reasons for putting the question were these:—Before the warrant of January 16, 1857, and under the warrant of 1848, private soldiers, upon five years' service with good conduct, were entitled to one penny a day increase in their pay; and they were also entitled to another penny increase for every further five years up to fifteen years, when it amounted to 3*d.* per day additional. The man, however, who was made a sergeant lost that additional pay, and was only entitled to 1*s.* 10*d.* a day. On the 16th January of the present year a warrant was issued, giving good-conduct money to sergeants who had had it as privates, in addition to their pay. Now that was a grievance and a wrong to the older sergeants, who still received only 1*s.* 10*d.* per day, though their promotion for good conduct dated, it might be, some twenty years before. In fact, the private soldier of fifteen years' good conduct was paid nearly the same amount as those sergeants of twenty years' standing, though the latter had been in a highly-responsible position long previous to the former having entered the army. The question he desired an answer to did not emanate from the sergeants, though he had a number of their letters on the subject, all complaining of the false position in which they were placed, but from a gentleman thoroughly conversant with the intricate subject of Army Pay. He hoped, therefore, the Government would be prepared to redress the grievances of this respectable and highly useful body of men.

SIR WILLIAM RUSSELL said, he was sure, from the tenor of the warrant, that the Secretary for War was anxious to do justice to the sergeants, but it had produced a most anomalous result. Men who, in consequence of their extreme good conduct, had been made sergeants before they had served five years, were not entitled to good-conduct pay, and although they might have been sergeants for upwards of fifteen years they had no additional pay for good conduct. He was aware of a case of a regimental sergeant-major who had been sixteen years a sergeant, but he was only entitled to 1*d.* a day good-conduct pay, which he obtained before his promotion, while other men who had only been sergeants for a year were entitled to 3*d.* a day for good conduct. The injustice might be remedied at a cost of less than £500 a year, which he thought Parliament would readily grant for such a purpose.

SIR JOHN RAMSDEN said, that the hon. Baronet had only done justice to the intentions of the Secretary for War, when he said, that in issuing this circular his intention was to do justice to all parties. It was very difficult to frame a regulation which should meet all cases; but the Government were quite prepared to act up to the spirit of the memorandum, and to consider whether the instances mentioned by the hon. Baronet were really so anomalous as he considered them.

SIR WILLIAM CODRINGTON said, he hoped that the case of these sergeants would be favourably considered by the Government. It seemed very hard that a man who had been a long time a sergeant, and must therefore have been a good-conduct man, should be placed at a disadvantage of 2*d.*, 3*d.*, or even 4*d.* a day compared with one recently promoted.

COLONEL NORTH said, he would put the case of two men who joined the army at the same time, who were both made sergeants before they had served five years, and both continued as sergeants until they had been in the army ten years. Suppose one of them committed an offence for which he was tried by a court-martial and degraded to the rank of a private. Having served ten years he would be entitled to 2*d.* a day good-conduct money, but of this he would lose 1*d.* in consequence of the offence for which he had been reduced. If he conducted himself well during one year this penny would be restored to him, and if at the end of fifteen years' service he again became a sergeant, he would have 3*d.* a day good-conduct money; so that, while the man who had never offended received but 1*s.* 10*d.* a day, he would have 2*s.* 1*d.* Such a case as that was evidently overlooked when the circular was framed; but he was sure that the hon. Baronet (Sir J. Ramsden) would now give it his best consideration.

SIR WILLIAM WILLIAMS said, he felt convinced that to raise the moral condition of the army the most valuable agents were the sergeants. He was glad, therefore, to learn that the anomalies which existed in regard to them were to be removed.

LORD ADOLPHUS VANE-TEMPEST said, he was glad also to hear that the case of the sergeants was to be attended to, and he hoped the injustice complained of would not be suffered to exist a moment longer than was necessary to find an effectual remedy for it. At present the anomaly pressed very hard upon a class of men, the want of whom would be a serious loss to the English army.

Motion *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee. Mr. FitzRoy in the Chair.

Motion made, and Question proposed, "That a sum, not exceeding £462,453, be granted to Her Majesty (in addition to the sum of £231,000 already voted on account), towards defraying the charge of Civil Buildings and Barracks at Home and Abroad, which will come in course of payment from the 1st day of April, 1857, to the 31st day of March, 1858, inclusive."

Captain VIVIAN said, it was his intention to take the sense of the Committee whether the Government should have £100,000 more to spend upon the erection of barracks at Aldershot. He could not conceive what the hon. Member for Lambeth (Mr. W. Williams) was about in suffering such large sums of money to be voted for these barracks. He was of opinion, that it was not expedient to erect barracks there at all. For all purposes of military instruction the camp at Chobham was more effective and much less costly than Aldershot. At Chobham the men were, to a great extent, under canvas. In addition to brigade and division drill, they learned to erect and strike their tents, to drain the camp, and to make roads. The cavalry soldier learned to picket his horses. He never could find out who selected Aldershot as the situation of a camp; every one repudiated it. It had been laid to Lord Hardinge's charge, but that gallant nobleman had also repudiated it. When it was selected, however, engineers were sent down; huts were erected at an expense of £100,000, drains and roads were made, and the troops when they arrived were marched—he would not say into luxurious barracks, because the huts were about as bad as they could be for the money—but into huts instead of into a camp, and, except their brigade and division drill, they learned nothing. Not content with building huts, however, the Government were now erecting large and luxurious permanent barracks in which the soldiers would positively and literally learn nothing. They might learn to cook by gas, and to wash by steam; for he believed that both those processes were to be introduced—but as to their duties in the field, cooking their own meat, washing their own clothes, making roads, draining their camp, erecting and striking their tents, and picketing their horses, they would learn nothing. If we were to reduce our army to a peace establishment, what did we want with extra barracks? It might be said that the day might come when we should require them; but it was much easier to find accommodation for 10,000 men by means of billets and tents than to find 10,000 men, and he believed that by sending young soldiers to Aldershot we should disgust them with their profession and render it more difficult to obtain recruits. As regarded morals, too, Aldershot being so near London was by no means a good situation for a camp. He objected to that camp on strategical and economical grounds, and also as a matter of policy. It had a tendency to prevent that which was necessary for our army—the establishment of a system of camps. He was firmly convinced, that after the extravagant Votes for that folly at Aldershot, the House of Commons, if asked for a sum of money for a camp in the neighbourhood of London during the summer, would laugh at the demand. He should therefore be glad if a majority of the Committee would support his Amendment to reduce the sum to be expended for permanent barracks from £100,000 to £50,000; and next year he should propose a Committee of inquiry into the military system at Aldershot.

Motion made, and Question proposed, "That a sum, not exceeding £412,453, be granted to Her Majesty (in addition to the sum of £231,000 already voted on account), towards defraying the charge of Civil Buildings and Barracks at Home and Abroad, which will come in course of payment from the 1st day of April, 1857, to the 31st day of March, 1858, inclusive."

Sir FREDERICK SMITH said, he wished to explain to the Committee that the barracks in question consisted of three divisions—one for infantry, another for cavalry, and the third for artillery. Two of those barracks would be completed by Christmas, and if the money were granted the third would be completed by the spring of next year. Any one acquainted with the erection of large buildings knew that a considerable increase of cost was occasioned by arresting the progress of their structure. The original intention was to have permanent barracks at Aldershot, and camps and tents occasionally for the accommodation of large bodies of men, who might there be instructed in brigade and divisional service. The establishment at Aldershot also enabled the Government to place there the embodied militia for the purpose of instruction in pitching and striking their tents and other duties. Complaints had been made to the Government of the detriment to discipline caused by the billeting of the militia in different towns, and arrangements were made to locate the militia in different garrisons; but as those garrisons got filled it was found necessary to have recourse to another system. The hut cantonment was hit upon, and if the war had continued the huts would have been filled by militia learning their duties and becoming efficient to fill up the vacancies in the regular army. He believed that during the war 30,000 militiamen volunteered for the army from Aldershot. The hut cantonment was formed for receiving the militia regiments which could not otherwise be provided for. There was no doubt that the present barracks at Aldershot were expensive in point of construction; but they were constructed on the recommendations of a Committee of that House, who laid it down that it was necessary to give more room to the men and the horses in all new barracks. He believed, however, that they would be found very substantial. During the time he was at Aldershot the Medical Returns showed that less mortality and sickness occurred there than in any other barracks in the world. Therefore great good had resulted from the establishment at Aldershot, and he believed the completion of the barracks to be a matter of sound policy.

SIR HENRY WILLOUGHBY said, he should support the Amendment solely on financial grounds, leaving the military and political questions at issue to be discussed by those hon. Members who better understood it. During the last two years £4,700,000 had been voted for naval and military works, and £6,000,000 in the last three years. £690,000 had been voted during the last two years for huts —namely, £175,000 in one year, and £516,000 in the last year. He wished to know whether these sums had been expended, and where? They were exclusive of the money voted for the Crimean huts, £140,000, and the money for the huts at Heligoland. Last year the total cost of permanent barracks at Aldershot was stated in the Estimate at £250,000. In the Estimates of the present year, however, the total cost was raised to £400,000, being a positive increase of £150,000 upon the Estimates, after £250,000 had been obtained from Parliament on the understanding that it was to be the entire cost of their erection. He found that £254,000 had been already expended on those barracks, and that £124,000 more was wanting, making the sum to be expended on that establishment £378,000. He should like to know when those expenses were to end. Did the country mean to lay out £500,000 on the present barracks at Aldershot? He considered that no course on the part of the Government could be more unfair than to begin with a low Estimate, and then to go on increasing it from £250,000 to £520,000, which it would be next year. He should vote for the reduction proposed in the Vote, in the hope of putting an end to such extravagant expenditure of the public money; and also, because he believed that the troops could not be taught so well in barracks as in a camp. Bearing in mind that £690,000 had been already spent in barracks, he thought the question ought to be seriously entertained, otherwise nothing could prevent an increase of taxation if such expense were persevered in.

MR. DRUMMOND said, the real thing to be looked for was this—that there should be some one man with a name to him who should be responsible for these things. Who was to blame for the waste of money on the Houses of Parliament? Nobody; simply because they had a Committee here and a Committee there, managing the affair, and never got the right man. The same was likely to be the case with the new Government offices. Money was voted on account, and the House never knew how it was expended, nor who was responsible for it. The most frightful mistakes had been made in the drainage of Aldershot, in the first instance, and then it turned out that there was no water. Then they began to complain that they had no water, and they got £10,000 more for it. With respect to Aldershot, in fact, there had been no proper plan from the beginning. So little did Secretaries for War appear to profit by experience, that only last November he had been informed that some cavalry regiments upon their arrival at Aldershot, found nothing prepared to receive them. They were for three days and nights without shelter, and the result was, the old Crimean story—the men got dysentery and the horses died. The demoralisation in the vicinity of the camp was dreadful to contemplate. It appeared to be a sort of cesspool of immorality containing all the worst characters from the metropolis; and he had heard officers say that it would ultimately be impossible to preserve discipline, unless the further expense was incurred of building a wall around the whole camp. [*Laughter.*) Hon. Gentlemen might laugh, but he would venture to prophesy that within a year or two an Estimate would be laid before the House for that purpose. In fact, he thought that he had seen persons already preparing such an Estimate, by whose authority he knew not, perhaps by no authority. What, however, he wished most particularly to impress upon the Committee was, the expediency of not voting one shilling of the present Estimate without clearly knowing who was responsible for its outlay.

VISCOUNT PALMERSTON: Sir, the hon. and gallant Member for Bodmin (Captain Vivian), and the hon. Member for West Surrey (Mr. Drummond), have expressed a great desire to know who is responsible for the establishment at Aldershot, and I will tell them in a few words. I consider myself principally responsible. Now, so far from its being true, as the hon. and gallant Member for Bodmin has been informed, that the late Lord Hardinge repudiated the establishment at Aldershot, I am able to state from my own personal knowledge that no one was more anxious for its establishment. At the time the land at Aldershot was purchased, I had the honour of being Secretary of State for the Home Department, and Lord Hardinge and myself co-operated together, and used to have frequent meetings in order to make arrangements for the military defence of the country, and I can assure the Committee that no man was more anxious for the purchase of that land than Lord Hardinge, and no man felt more strongly the great value it would be in improving the discipline and efficiency of the British army. As far, therefore, as responsibility goes, I am quite ready to take it upon myself, because I had a great share in persuading the Treasury to agree to the purchase of that land. It is said by some, that a camp like that at Chobham was a better system, and that we should confine ourselves to camps of that nature; but to continue that system is totally impossible. We are not to suppose that a Government can go to-morrow, or next day, or next year, or whenever they please, and find a space of ground unenclosed and adapted for assembling large bodies of men for the purpose of instructing them in military evolutions. Why, we all know that those great spaces of land are being enclosed. Chobham has been enclosed, and most probably Aldershot would have been enclosed before now if Government had not purchased it. The purchase was made upon most advantageous terms, the price being, I think, about £13 an acre, and since that period the land has so much increased in value, that if at any future period the Government should deem it no longer expedient to continue the occupation of that land, they would be able to sell it at an infinitely larger sum than that which it originally cost. I say again that I, among others, am responsible for the purchase of the land at Aldershot, and for the system of military instruction which it was intended to establish, and I am satisfied, from what I have seen, that we judged rightly in determining upon that purchase, for I believe that nothing has been done of late years which has had a greater tendency to increase the efficiency of the army. I have been asked, on more than one occasion, whether it was originally intended that any permanent barracks should be established. Why, Sir, undoubtedly it was. Aldershot is not only a place where large bodies of troops can be assembled to be instructed in the performance of military evolutions, but it is, from its position, of vast strategical importance, with a view to the defence of the country; and if it should ever unfortunately happen that we are compelled to move troops for the defence of the country, the fact of having a large body of men assembled at Aldershot would be found of the greatest possible advantage. Aldershot is in a central position, it has means of communication by railroads with all parts of the country, it is easily accessible from London, and it is within easy communication with Portsmouth, Dover, and Plymouth, and all those points upon which we might wish to collect troops, and therefore I say that in a strategic point of view, Aldershot is of immense value. It was, then, the original intention that permanent barracks should be established for the accommodation of about 4,000 infantry, 1,500 cavalry, and a few batteries of artillery, and I maintain that so far from the expenditure which has been incurred having been an improvident expenditure, the money has been exceedingly well laid out for the service of the country. It is true that these barracks may have cost more to build than those which we have hitherto been accustomed to construct, but that is owing to the recommendation of a

Committee of this House which was appointed to consider the accommodation which ought to be afforded to officers and soldiers in providing places of amusement and instruction, separate accommodation for married men, and other conveniences. With regard to the salubrity of Aldershot, the hon. Member for West Surrey (Mr. Drummond) has drawn a picture, and said that an occurrence had taken place there similar to occurrences which took place in the Crimea. Now, I think that the hon. Gentleman must be very much mistaken in supposing that cavalry regiments were exposed without shelter, and that the result was such as he has described. I can only say that Aldershot is one of the healthiest stations in the United Kingdom, and so far from its being objectionable on that score, its salubrity is one of its greatest recommendations. Then, again, as regards the question of morality, I do not mean to say that the assembling together of large bodies of troops will not also collect together a number of idle and immoral persons, but this I will say, that the morality of the troops in camp is much better cared for than when they are billeted in towns; and that so far from collecting troops in barracks being an immoral system, it is as conducive to good conduct as to good discipline. What we intend to do is, to assemble in the summer large bodies of troops at Aldershot, consisting probably chiefly of the militia, one body after another, in order that they may practise those military evolutions which they would have to perform if called into the field. Well, then, the hon. and gallant Member for Bodmin complains that the men are quartered in huts, and thus are prevented gaining experience in pitching tents. Now, I have seen that practice going on, for I remember, a short time since, seeing a rifle battalion engaged in pitching tents. It is not, however, a very difficult art to acquire, and I think that it is only necessary that one regiment should be taught it at a time. Then again, with regard to cooking, no doubt that is a matter of considerable importance; but the subject of paramount importance at Aldershot is to teach a large body of men to perform military evolutions on a large unequal surface of ground, and that object the nature of the ground at Aldershot fully enables them to accomplish. Then, again, an hon. Gentleman has complained that the huts were put up at Aldershot, because at the end of the war we had a number of huts we did not know what to do with, and therefore we sent them to Aldershot; but the hon. Gentleman ought to remember that the huts at Aldershot were erected during the war, and not after its termination, and certainly no huts were brought back from the Crimea, so that there can be no foundation for that hypothesis. I hope the Committee will not allow itself to be run away with by declarations about the dulness of Aldershot, by statements that the officers do not like to be there, that they have not the same amusements they have in large towns, that they prefer Dovor, or Portsmouth, or Plymouth. Let not the Committee run away with the notion that money will be wasted by the completion of these barracks. The subject is one of the utmost importance as regards the efficiency of the army; and I maintain that nothing has been done for a number of years so well calculated to render the British army efficient as the purchase of Aldershot and the arrangements attendant thereupon. This House has ever been anxious to make the army efficient; it has from time to time insisted upon a military education being given to the officers of the army. It has been said, that though the army was brave and heroic, and ready to plunge into any danger, it was deficient in experience in those matters which constituted military science; and when the Committee attach so much importance to the efficiency of the army, I trust it will not listen to any proposal which will have the effect of striking a blow at that efficiency, and will prevent the completion of arrangements for placing it on a footing in a time of peace which will enable it to do its duty during a period of war. I have stated on a former occasion that we are the only great Power in Europe, possessing an army of any considerable amount, which has not been in the habit of having recourse to those assemblages of troops for military instruction. The Governments of Foreign Powers are, however, obliged from time to time to hire ground for that purpose at a considerable expense. Now, if we had not Aldershot, if we were obliged to hire ground, the cost would be greater than the House of Commons would be likely to sanction, while on the other hand, the arrangements of Aldershot are not only cheap to the public in comparison with the advantage to the country, but they afford the means of giving an efficiency to the army—both to officers and privates—which without some such arrangements it could never obtain.

Major STUART WORTLEY said, he did not believe that the hon. and gallant Member for Bodmin objected so much to the purchase of the ground at Aldershot as to the circumstance that our troops at that establishment were about to be provided with permanent barracks, instead of being lodged in tents. The huts which had been erected there had cost a sum of between £600,000 and £700,000, and he believed they were found to be leaky, and fast going to decay. He could not help feeling that, although the construction of the proposed barracks had already been commenced, yet it was better the works should be stopped than that the country should be saddled with a permanent location—he could not call it a camp—at Aldershot. He deemed it for these reasons to be his duty to support the Amendment for reducing the Vote to £50,000, and he might add that he could not help thinking that our soldiers could not learn their profession sufficiently well at Aldershot to fit them for service in the Cape Colony or the other important points of military occupation abroad. It was of the utmost importance that the troops should be thoroughly skilled in cooking and other minor matters of military education, as otherwise they would never be able to operate with the necessary efficiency in the field.

Mr. SIDNEY HERBERT: Sir, I shall certainly give my support to the proposal of the Government in respect to this Vote. The first encampment established in this country within the recollection of the present generation was that which existed at Chobham. Public opinion had not previously been directed to the deficiencies of our army, and our troops were afforded very few opportunities of acting together in large masses. When I, as Secretary at War, therefore proposed that there should be a military encampment, the doctrine which I advocated, of the expediency of having the various regiments of the army brought together in divisions and brigades, was very much questioned, upon the ground of the expense which the carrying of that doctrine into practical operation would entail upon the country. Economy was at that time the order of the day, and efficiency was but little regarded in comparison. During the war a different state of things prevailed, but we may now perceive again a tendency to revert to economy. I must confess I am myself a great advocate for economy in matters such as that under our notice; but I feel bound to consider how far we should be consulting that principle by lopping off a sum of £50,000 from this Vote, and spoiling the whole of our plan, after the great expense to which we have gone with the view of securing the efficiency of our troops. It is proposed on the part of the Government to construct permanent barracks at Aldershot, but I apprehend that, in seeking to carry out that object, it is not their intention to do away with the system of having masses of troops encamped there during the summer months. I certainly think an error was committed in keeping a large body of soldiers there during the past winter, because the inclemency of the season tended to disgust the officers and men with those duties the discharge of which would in summer be a recreation, and would imbue them with a love of their profession. It was, however, I maintain, necessary to purchase the ground at Aldershot. The extent to which land is enclosed in England accounts for the circumstance that it is not easy to find an open space which is well supplied with water, and which in other respects is not open to objection. I believe the erection of permanent barracks at Aldershot to be a necessary step—and for this reason, that there is not at présent in England a sufficient amount of barrack accommodation for our troops. When the Committee examines into the details of that accommodation, they will, I think, be surprized at the sanitary considerations which it will present to their view. Those who enter our army are picked men, in the prime of life, their period of service ranging from twenty to thirty years of age; they are examined by a medical man, and must, before their admission into the service, be reported free from malformation, and all tendency to disease. How comes it to pass, then, that among that class of men the mortality is greater than among those of the same age in civil life? There must be some reason to account for the circumstance, and one good one, in my opinion, is that they are generally badly housed. Well, the Government propose to construct permanent barracks at Aldershot, by which that objection will, to some extent, be met, and I cannot understand why the erection of these barracks should prevent them from bringing together other regiments besides those to which permanent accommodation is to be afforded, with the view of enabling as large a number of troops as possible to go through the evolutions which have been described as so necessary for the efficiency of the service. I must say that I hope greater care will in future be taken to instruct our soldiers in those minor points of military education in which they are so extremely deficient. Not one among them, unless he happens to have learned the trade of a glazier, or to have come from the bogs of Ireland, or the Highlands of Scotland, where men must more or less shift for themselves, knows how to put in a pane of glass in a window, or to accomplish any of those small contrivances in the way of cooking and hutting, which are of so much use to an army in the field. For these reasons I should be glad to see more of the work at Aldershot done by the troops themselves. You cannot, it is true, create an efficient commissariat in time of peace. I do not believe that that can be done until the second or third year of war. No man in his senses would dream, in the present state of England, of marching a regiment of troops from one quarter of the country to another with a Commissariat in its rear, going into every farmyard and purchasing its contents, when they might get the necessary provisions by contract with half the trouble and at half the price. Artificial difficulties, however, in every other way may be created, which it is desirable that the troops should be taught to overcome. I may add that, as I have always attached the utmost importance to the massing of troops together in divisions and brigades, I should like to see that system carried into effect; but I, at the same time, feel it my duty to warn the Government not to proceed to too great a length in that course, for if they do, they may produce a revulsion in public opinion against it. In conclusion, I have only to say that, deeming the original purchase of the ground at Aldershot to be a wise proceeding, and the erection of the proposed barracks to be economical, for here you have got the site, whereas, elsewhere you must purchase it, I shall give my support to the Vote under the consideration of the Committee.

LORD ADOLPHUS VANE-TEMPEST said, he should support the Motion for the reduction of the Vote, because he believed the principle which this Vote carried, was completely antagonistic to the promotion of that efficiency in the army of which the right hon. Gentleman who had just spoken was so distinguished an advocate. The Vote in question was for the purpose of making a permanent barrack at Aldershot. Now, this was destroying the very advantage obtained by sending soldiers to camp, by instituting a system that provided them with permanent shelter, and prevented the opportunity of teaching soldiers the valuable knowledge of shifting for themselves. He would appeal to any of the officers or visitors to the Crimea whether when the men were left to their own resources they did not manage much better for themselves than when they were supported by the "paternal rule" at home. He hoped that the hon. and gallant Member for Westminster (Sir De L. Evans) would tell the Committee whether the houses built by the soldiers in the Crimea were not far better than the Government huts sent from home. The British soldier had plenty of resources, if practised in developing them, but the Government were so unpopularizing the service that it was no wonder they had been compelled to confess in the face of Europe that the service contained 50,000 men below the estimate voted by Parliament. There was at present, he understood, a great difficulty in obtaining recruits, and if we were at war to-morrow the same difficulty would still be felt. The service could not fail to be unpopular so long as the Government acted upon the principle of playing at soldiers, and sent them to a permanent nuisance like Aldershot, which "bored" not only officers, but men. If the men were really being educated in campaigning, as they would be, if sent for six weeks annually to lead a real camp life, and be instructed in all its details, they would go through the necessary inconveniences good-humouredly; but to keep them for lengthened periods, and throughout the year at Aldershot, merely for reviews, and for what the noble Lord at the head of the Government called great evolutions, would, he did not hesitate to affirm, disgust the soldier with the service. He would say nothing of the officer, because he must do his duty whenever and wherever he was called upon. But, he felt confident if the system was pursued of keeping men the whole year round in camp for the sake of this expensive toy, the Government would find increased difficulties in filling the ranks. Why should the Government go to an expense of £500,000 in order to destroy whatever practical use was to be derived from Aldershot as a camp? He should vote for the reduction of the Vote, and he only regretted that the Motion did not go to the refusal of the Vote altogether.

Mr. TITE said, that having been a Member of two Committees which had instituted inquiries on the subject of the Vote now under consideration, he could state that the sum given for the land at Aldershot was extremely small considering its extent. It had been explained by many eminent Officers that it was necessary to have a large unoccupied extent of country for the education of the troops, and the land, if now resold, was worth a great deal more than had been given for it. It was true that some mistakes had been made at first, for the huts were covered with felt, which was too liable to decay to be a good roof. Then, it was said, and he had himself believed at one time, that there had been great jobbing in the contracts at Aldershot. Having, however, served upon the Committee on Government contracts, he felt bound to say that nothing could be more fair or more just to the nation than the system upon which those contracts had been given. They were thrown open to public competition; they were taken by respectable parties at a fair price, and the Government had satisfactorily defended themselves from the accusations made against them. Of course, if the contracts were broken and the works were stopped, they could only be resumed at a great sacrifice of time and money. He must therefore give his vote in support of the Government on the present occasion.

Mr. HENLEY said, what he had to complain of was, the very inconvenient mode in which barracks, land, and buildings were lumped together in the Vote. The Committee had also a right to complain of the mode in which the question of the hon. Member for West Surrey (Mr. Drummond) had been met and answered by the noble Lord at the head of the Government. That question was how much the expenditure upon Aldershot was to be. The hon. Member raised no question whether it was desirable to go to Aldershot or not. He only wanted to know who was answerable for the outlay. But up jumped the noble Lord and said that he was answerable, and afterwards that some one else was answerable. He apprehended, however, that the noble Lord was not the architect. The total estimated expense of the barracks at Aldershot was £360,000, of which £250,000 had already been expended, but the noble Lord at the head of the Government had not ventured to tell the Committee that this £360,000 would be the outside of the expense. He did not believe that a single Member of the Committee—not even the Administrative Reformer opposite, the hon. Member for Bath (Mr. Tite), had the most distant idea whether the barracks were to cost £400,000 or £500,000 or any other number of hundreds of thousands. No doubt to a certain extent the Government could not help going on with Aldershot, but the discussion which had taken place that night had very much shaken his opinion as to the utility of it. Among all the complaints with which the newspapers had teemed during the late war, he had never seen any as to the inability of our troops to act together in bodies when called upon to fight. The Doctors were bad, the Engineers were bad, the Commissaries were bad, but there was no complaint of that sort. The right hon. Member for south Wiltshire (Mr. S. Herbert) said that our troops were very artificially brought up, and he seemed to think that by getting the soldiers into huts they would be taught how to manage for themselves. That might be, but the Committee were not asked to do that, for Aldershot was to be a great barrack establishment. The only means by which the Committee could express its opinion of the want of definiteness on the part of the Government was to vote them a little less money, and unless some explanation were given as to the extent to which the expenditure was to go he should be inclined to support the Amendment. It would be desirable, too, that the Government should give some information as to the intended outlay on the proposed depôt for army clothing, for the site of which £20,000—rather a formidable sum—was asked for in the Votes.

Viscount PALMERSTON: I thought, Sir, I had explained that permanent barracks are to be built at Aldershot for 4,000 infantry, 1,500 cavalry, and a few batteries of artillery, and that it is not intended to build barracks for a larger number of men than that. Troops are to be collected together there in a larger number during the spring and summer months for the purposes of exercise, but it is not intended to make it a winter camp.

Mr. HENLEY: The noble Lord has not said a word as to what further expense will be incurred.

VISCOUNT PALMERSTON: It is intended to build permanent barracks for the number of men which I have just stated, and that limit will not be exceeded, but I really am not able to say what the whole expense of building those barracks will be.

SIR HARRY VERNEY said, he wished to point out, that it was by means of the camp at Aldershot that London, Woolwich Arsenal, and the south coast were to be defended.

COLONEL KNOX said, he could not avoid expressing his disappointment that the Government had given no information to the Committee as to where the extremely extravagant expenditure on Aldershot was to stop. He hoped the Under Secretary at War would inform the Committee whether it was intended, after the permanent barracks were erected, to keep up the huts, for that could only be done at a very heavy expense. He also wished to know whether anything would be done with Portman Street Barracks, which were a disgrace to the country, being nothing better than a tumble-down stable. The first object of the Government should be to provide proper barrack accommodation for the troops quartered in the metropolis, with a view to prevent them from being driven to the public-house. The barracks at Aldershot were complete in all their arrangements, but when fresh barracks were built at other stations all the new improvements ought to be introduced. The large item for Aldershot exclusively, to the neglect of other barrack stations, was highly objectionable, and the Government ought to give an assurance that some limit would be put to such a large expenditure.

SIR DE LACY EVANS said, he fully concurred in thinking that before new barracks were constructed at vast expense at Aldershot that it would be as well to look to the state of the barracks in London. Before that enormous expenditure was incurred, Portman Street Barracks ought, at least, to be put in a proper condition. He had been surprised to hear from the hon. Member for Buckingham (Sir H. Verney) that the barracks at Aldershot were of the greatest possible importance—that they were designed for the defence of the metropolis, and indeed of our southern coast. The hon. Gentleman was evidently misled by the brilliant oratory of the noble Viscount (Lord Palmerston), who had dilated on the transport of troops from Aldershot to Portsmouth and Plymouth, until any one would have fancied our shores on the eve of being invaded. That, however, was altogether a delusion. If we were really in danger of invasion, undoubtedly some central spot, perhaps at Aldershot, or some large tract of land near Sandhurst, would be convenient for the assembling of a large body of troops, and if a *corps d'armée* were placed there capable of being transferred rapidly from one point to another, a valuable strategical object might be gained. But when that was made the excuse for demanding £400,000 to build barracks for some 4,000 or 5,000 men, he considered that it was trifling with their judgment. What could such a small corps do? The accommodation which was not sufficient for the concentration of a larger body than that could only enable our troops to play at soldiers. The hon. Member for Lambeth (Mr. W. Williams) had recommended that the whole of these Estimates should be submitted to a Committee, a course which might be advantageously adopted without necessarily tying the hands of the Executive in the meantime. The noble Lord at the head of the Government spoke of the purchase of ground for practising our troops in large divisions, but that was only a diminutive item in the charge. It was very doubtful whether the large outlay that had been made for huts erected of fragile material was a prudent expenditure. For that purpose alone, up to the middle of last year, no less a sum than £400,000 had been spent. Other items raised the outlay to nearly £800,000, and the aggregate charge would probably approach to £1,000,000 sterling. That large expenditure had escaped the proper scrutiny of Parliament, because everybody's attention at that time had been engrossed by the war in the Crimea; but now that peace was restored some curb ought to be put upon it. He had supported the Government the other night in their proposition for putting our great maritime depôts in the best possible state of defence—not that he seriously contemplated any danger of invasion, that was entirely out of the question—but because those establishments ought to be secure against all accidents. If the country were really in any danger, it could not be protected by a small force of 5,000 men from Aldershot. No sane foreign Government would venture to assail this country with less than 200,000 men, or without a conviction that but a small proportion of their army would ever return to its native shores. The noble Viscount was all-powerful in that House, and would doubtless be able to reject the Amendment; but, if there was any considerable manifestation of feeling that night against such reckless expenditure, the Government might be induced to practise greater circumspection and economy. The retention of our troops in huts during the winter months could only increase the difficulty of recruiting the army, without serving any useful purpose. He was glad, therefore, that it was to be discontinued.

SIR JOHN PAKINGTON said, he felt inclined to vote with the hon. and gallant Member for Bodmin unless the Government gave the Committee more definite information as to the ultimate cost of the barracks at Aldershot. It was clear they could not rely on the Estimates of the expense of these buildings which had been laid before them. There was an entry, for example, of £150,000 for the Hospital at Netley; but in the marginal note it was stated that the cost of the hospital would be £260,000. He hoped, therefore, that some definite assurance would be given as to the estimated cost of the barracks at Aldershot. There were other items in the Vote that also required explanation. He found an entry of £3,000 for drainage at Aldershot; another of £1,000 for levelling and gravelling the parade; and a third of £2,000 for making roads. Could not this expense of £6,000 be avoided by employing the soldiers in cutting drains, gravelling the parade, and making roads? There was also an entry of £40,000 for providing quarters at Dover for forty-four officers. [Sir J. RAMSDEN: Look at the marginal note.] He was asked to look at the margin, and there he found that the building was to be in the mediæval style; but surely, whether in the mediæval style or not, nearly £1,000 for every officer was a large sum to pay for their accommodation.

SIR JOHN RAMSDEN said, he wished to say distinctly, in answer to the question put by the right hon. Baronet, that the sum of £400,000 stated in the Estimate was the entire sum that would be required for the completion of the works at Aldershot. The first estimate for the barracks at Aldershot was £250,000 voted in 1855. Next year it was thought desirable to have a careful inquiry into the whole system of the construction of the barracks, and the result of that inquiry was a recommendation of sundry improvements, such as the erection of separate quarters for married men, a better description of quarters for all the soldiers, and the erection of covered places for the men on parade, at drill, and for general use in rainy weather. To meet the additional expense incurred by acting upon these recommendations the original Estimate of £250,000 was raised to £360,000. The Committee would observe that the total estimate of the work stood at £360,000, while the sum already spent, and that which was proposed to be spent, amounted to £400,000. That difference arose from the difficulty of getting a firm foundation for the barracks, by which an unexpected item of £40,000 was added to the expense. Undoubtedly the sum required was a large one; but the Committee should bear in mind that the object for which it was required was also a large one. Accommodation was provided for 4,000 infantry, 1,600 horses, the great number of men whom that number of horses implied, and a large body of artillery. The hon. and gallant Members who had taken part in the discussion were no doubt much better acquainted with these matters than he was, but with great submission he would observe that, according to his information, the amount stated was below the average expense for such a description of barracks. Barracks erected on the improved system cost for every 1,000 men £94,000, so that, taking the number of men at Aldershot, the expense of that barrack would be considerably below the average. They had it on the high authority of the right hon. Gentleman the Member for South Wiltshire (Mr. S. Herbert) that it was necessary to provide better barrack accommodation in England, and the hon. Member for Bath (Mr. Tite) bore testimony to the open and fair manner in which the contracts for those works had been made by the Government. The right hon. Baronet opposite (Sir J. Pakington) thought it was desirable that soldiers should be employed in making roads and other works. The Government had endeavoured to carry out that arrangement as far as practicable, and from a Return which he had obtained it appeared that the number of men daily employed on such works was 720. An explanation had been asked of a sum taken for a clothing depôt, and which was required for the purchase of a site. At present the central clothing depôt was at Weedon, but great inconvenience was experienced by that arrangement. Weedon being in the centre of England, the cloth, when purchased, had to be conveyed there by land transport, at great expense, and the clothing, when made, was brought to London for distribution among the troops. It was, therefore, proposed that a depôt should be constructed at Rotherhithe, where it would be much more conveniently situated.

LORD CLAUD HAMILTON said, they had now for the first time got an explanation of the discrepancy that existed in the Estimates between the sum of £360,000 and £400,000. The hon. Gentleman the Under Secretary for War had accounted for the £40,000 about which so many inquiries had been made, and he was glad that the explanation had been given; but, if they were expected to vote away £40,000, without explanation, what sum might they not be expected to vote next year in the same way? He hoped that a more definite explanation still would be made with regard to the Vote under consideration, and unless it was given he should feel it his duty to vote for the Amendment.

MR. JOSEPH LOCKE said, he was extremely glad to find that a discussion had taken place on the question, as he had frequently had reason to complain of the loose way in which the Estimates were framed. Whatever might be the opinion of hon. and gallant Members with respect to works at Aldershot, they ought to thank the hon. Members for Surrey, Oxfordshire, and Droitwich, for pressing this subject of the Estimates so strongly upon the Government. As to Aldershot he had not one word to say as a civilian upon a Vote which the noble Lord (Viscount Palmerston) said involved the defence of the country. But the attention of the Committee had been called to a discrepancy in the Estimates amounting to £40,000. He was perfectly willing to accept the explanation of the hon. Baronet (Sir J. Ramsden) that it arose from unexpected difficulties in constructing works at Aldershot. The discussion had elicited the important fact that for the Netley Hospital, which was originally estimated to cost £150,000, an extra sum of £110,000 was intended to be asked. The noble Lord (Viscount Palmerston) had come forward very gallantly to the defence of the Vote for Aldershot, for which he said he was entirely responsible; but would he accept the responsibility of this extra sum for Netley Hospital? Netley Abbey looked on the mud banks of the Southampton Water, and he (Mr. Locke) should not have thought that that was a very eligible spot for a hospital. £70,000 had been already expended on that hospital, but it was rumoured that the Government intended to abandon it; and he wished to know whether that was the fact. The extra Vote of £110,000 upon an original Estimate of £150,000 showed how loosely and blunderingly those Estimates were laid before the House, and the noble Lord at the head of the Government ought to be held responsible for them. Only think of £260,000 being expended upon a hospital which was to accommodate no more than 1,000 men! They were constantly reminded in that House what they owed to the British soldier, but surely the House owed something to the country which had to pay such extravagant amounts. He had not intended to vote against the Government, but until a satisfactory answer was given as to the blunder with regard to the Estimate for Netley Hospital he should vote for the Amendment.

MR. STAFFORD said, he thought he could give the hon. Member for Honiton (Mr. Joseph Locke) some information with regard to Netley Hospital. It was begun in utter defiance and ignorance of all those principles of sanitary knowledge which we had learnt by bitter experience during the last few years. Its site was chosen without any reference to medical authorities. When the building was commenced the attention of those who ought to have been consulted and who had the interest of the British soldier at heart, was drawn to it, and it was found necessary to make so many important and costly alterations that the Government consented to expend £110,000 more upon it. Even that increase, he believed, would not be sufficient to build it in the manner in which it ought to be built. The barracks for which so large a sum was asked were to be built in a manner against which that House had protested year after year, and which every Government had admitted to be defective. When we heard of the failure of our *prestige* and of the apparent annihilation of our army owing to mal-administration, we were told that all would turn out for the better, that Aldershot would console us for all our disasters, that the experience which we had learned at so dear a price would be there distilled in the studies and discipline of our army, and that, in fact, Aldershot would become our great stronghold of defence. Well, we had got it, and it was remarkable that after all our experience of it—[Cheers, and *cries of* "Divide!"]—he understood those ironical cheers, but they need not hope to succeed in silencing him by those means. It was remarkable that, except from some occupants of the Ministerial Benches, no one had risen to defend Aldershot except that remarkable Administrative Reformer the hon. Member for Bath (Mr. Tite), who had spoken rather in its favour, but what he said was not his own opinion; it was that of two Committees which had the advantage of his being a Member of them. They had had the opinion of military men of all parties, who had criticised in no measured terms the system of carrying on military affairs at Aldershot; and they had all asked, and had as yet got no answer to the question, "What is doing at Aldershot?" Were you by the education of your troops taking measures to prevent the recurrence of those disasters of the Crimea? Were you teaching your soldiers to meet the contingencies of war? were you teaching them to trench, to cook, to dig, to make roads which was as indispensable to an army in a campaign as real fighting, or were you hiring labour to do that for them which they ought to be taught to do for themselves? If you only collected troops at Aldershot for the purpose of making them march to Farnham and back for the amusement of the people at the windows, and amidst the waving of the handkerchiefs of the ladies, he said that you were wasting the money of the country, and were more blameable than any previous Government, because you continued in a course of error in spite of large and recent experience. He had abstained from addressing the Committee at an earlier period of the evening because he had expected that some member of the Government would have risen to state what was really doing at Aldershot. He found the expense for the Staff had been increased by £100,000, and he wished to know what was the return for the money; for, if the troops were no better qualified to act together as an army, the outlay was pure waste. Our army at present was becoming something between a job and a toy, and, although it would never be unpopular with the people of England, still it might hereafter, if the present course were continued, be made a rallying cry for those who wished to lower our institutions. [*Cries of* "Divide!"] The Committee would divide, but, perhaps, not so quickly as some hon. Gentlemen desired. He had observed, during his Parliamentary experience, that when a subject was debated so thoroughly and so earnestly as the present subject had been, it proved that the matter was one of deep interest to the public, and he was sure the noble Lord at the head of the Government was not a man to overlook the importance of the present discussion nor the great interest which the general public had in it. He besought the noble Lord to consider well the matter, to inquire into its origin, and the parties who proposed it—why ill-ventilated huts were erected in the worst site that could be found in the neighbourhood. He should vote for the Motion to reduce the Vote, not because he objected to the erection of barracks, but because he believed the expenditure would produce no advantage to the country, and was opposed to the opinions of almost every military man in that House.

Mr. WILLIAM WILLIAMS said, he must remind the Committee that large sums had already been granted for the erection of barracks at Aldershot, and before the enormous increase now asked for was allowed, it would be well to have some explanation of the expenditure of the former amount.

Sir WILLIAM CODRINGTON said, he would put it to the Committee whether it would be wise economy, having already built a considerable portion of the barracks for three regiments of infantry, three of cavalry, and two troops of artillery, they should now abandon those buildings and sacrifice the former outlay to avoid the expense of completing the barracks? There was one point in relation to Aldershot which he hoped would not be lost sight of. Although it might not be necessary or advisable to assemble troops there in winter when they could not manœuvre, yet it was highly important to assemble troops to accustom them to move together. He remembered at Varna seeing, to his own great instruction, the hon. and gallant Member for Westminster (Sir De L. Evans) move his division, and there could be no reason why the same operation should not be performed at home. There was no reason why brigades or divisions should not be made complete with ammunition, land transport, ambulances, &c., in the same manner as if really on the scene of war, and even if that system of practising the moving of troops should cost some money, the expenditure would undoubtedly be compensated by the experience that would be gained.

SIR WILLIAM WILLIAMS said, he wished to assure the Committee that he was quite in favour of Aldershot. He wished to see the higher branches of instruction carried on in that camp, so that not only might the men be taught to move with precision, but that they should understand siege duty. If such a system of teaching were pursued, he felt assured that the country would never regret the necessary expenditure. Should Aldershot fall through, our whole system of camp instruction would fall with it, and England would be reduced to the same condition as before the war. He had seen almost every institution conducive to the efficiency of the army destroyed, and he well recollected that when on a former occasion the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), taunting the noble Lord at the head of the Government, inquired where were their plans, that reproach went to his heart, for he knew that in consequence of the destruction of the military survey department they never had any. No general, either in the Russian, Prussian, or French service, ever transmitted a Report to his Sovereign without a plan attached, while English general officers alone were without the means of doing so. Most certainly he should give his Vote for the original proposition.

COLONEL SOMERSET said, he was also in favour of Aldershot, and if the Government stated on their responsibility that £400,000 was necessary for the erection of barracks there, he should record his vote with them.

MR. LOCKE KING said, he wished to inquire whether it was true that the Government had purchased, or had agreed to purchase, a piece of land in the neighbourhood of Aldershot for the erection of an hospital, the camp being considered exceedingly unhealthy.

SIR JOHN RAMSDEN replied, that so far from Aldershot being unhealthy, the number of sick was 1 per cent. less than in other quarters in the kingdom.

MR. LOCKE KING said, he must remind the hon. Under-Secretary that he had not answered his question with respect to the purchase of land for an hospital. He would also like to know if such a purchase had been made, why the item was not included in the Estimates.

SIR JOHN RAMSDEN said, the Government were at present in treaty for the purchase of a small piece of land for an hospital, with a view to provide the necessary accommodation for an average number of patients. The reason why the item had not been included in the Estimates was, that the purchase not being yet completed the Government did not think themselves entitled to ask for a Vote.

MR. HENLEY said, he saw that, in addition to the sums which the Committee had been discussing, a further sum of £5,000 for Aldershot appeared in a different part of the Estimates. He wished to have an explanation of that item.

SIR JOHN RAMSDEN said, that the sum in question was made up of a great number of small items which it would have been inconvenient to give in detail.

COLONEL BOLDERO said, he objected to two different things, embracing military and civil expenditure, being mixed up in one Vote as in the present instance. He considered that he could put the Government in the way to save £150,000, merely by suggesting that instead of building an hospital for 1,000 patients, which would never be filled, to erect one capable of accommodating 500. He would instance two hospitals, one at Yarmouth and another at Deal, which had since been converted into barracks, as a proof that the Government were rather apt to build hospitals too extensive in their character. He wished also to know what the sum of £46,000 for drainage at Woolwich Arsenal meant. He thought it would always be wise to charge the drainage in the Estimate for construction.

SIR JOHN RAMSDEN said, that the Government had taken the best medical opinion with respect to Netley Hospital, and it was entirely in favour of the present arrangement. The sum of £46,000 for drainage at Woolwich represented the cost of laying iron pipes under the roads throughout the arsenal.

Question put.

The Committee *divided*:—Ayes 99; Noes 158: Majority 59.

Original Question put, and *agreed to*.

MR. STAFFORD said, he hoped the Under-Secretary for War would not proceed further with the Estimates to-night.

SIR JOHN RAMSDEN said, he would assent to the Chairman's reporting progress.

The House resumed.

Resolution to be *reported* on *Monday* next.

Committee to sit again on *Monday* next.

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL—COMMITTEE.

Order for Committee read.

House in Committee.

MR. SEYMOUR FITZGERALD said, he must appeal to the Government not to go on with the Bill, in the absence of members of the legal profession in Ireland, who alone were capable of discussing it. He should move that the Chairman report progress.

MR. MALINS trusted that the Government would not persevere.

MR. J. D. FITZGERALD said, the Bill was substantially an unopposed Bill last Session, and it was only owing to his being a day too late to comply with the Resolution of the House of Lords that it was dropped. The Committee was postponed before the recess to suit the convenience of hon. and learned Members, and he was now asked to postpone it again. If he had to yield night after night to those requests, he might as well abandon the Bill at once.

MR. VANCE said, that the Bill was one of detail, not of principle, and therefore any discussion must necessarily take place in Committee. There was no objection, that he knew of, to the principle of the measure, but it would be impossible to proceed satisfactorily with the details of a measure comprehending 400 clauses in the absence of those who had the greatest acquaintance with the state of the Irish law.

MR. MALINS said, he should offer every opposition the rules of the House permitted if the Government did not comply with such a reasonable request.

MR. J. D. FITZGERALD said, it was because the Bill contained so many clauses that he wished to make some progress, but he would meet the convenience of hon. and learned Members, and consent to the Chairman reporting progress and resume the Committee on Monday next.

MR. HENLEY said, he would suggest that arrangements should be made for taking the Bill at a morning sitting on Wednesday. They would then probably be able to go through it at once, instead of taking it up piecemeal, which he did not think would enable them to do justice to it. He hoped it would not be brought on after twelve o'clock, when they lost as much time in discussing whether they should do anything or not as would enable them to make some substantial progress.

MR. SEYMOUR FITZGERALD said, it was of importance that a Return which had been laid on the table should be in the hands of Members before the Bill was discussed. He hoped, that if the Return was not in the hands of Members on Monday, the right hon. and learned Gentleman the Attorney General for Ireland would postpone the Committee until Thursday next.

MR. MALINS said, Monday was tolerably well disposed of if the Army Estimates were to be taken after the Oaths Bill. A Bill of this importance ought not to be brought on after midnight.

Bill *considered* in Committee.

House resumed: Committee report progress; to sit again on *Monday* next.

House adjourned at a Quarter after Twelve o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, June 8, 1857.

MINUTES.] *Took the Oaths.*—Several Lords.
PUBLIC BILL.—2ª Cinque Ports Act Amendment.

CASE OF MR. SHEDDEN.

PETITION. SELECT COMMITTEE MOVED FOR.

EARL GREY rose to present a petition from Mr. W. P. R. Shedden, complaining, that by a Decision of the Court of Session in Scotland in 1803, and of this House in 1808, obtained in his infancy, he has been deprived of his Status of a natural-born Subject of this Realm, and as the legitimate child of his parents, and of the means of duly investigating in any Court of Law the Question of such Status, and causing the same to be recognized, and praying for such Relief and Redress as to this House may seem meet. The noble Earl said that it was with no ordinary anxiety that he asked their Lordships' attention to the petition which he was about to present. He was persuaded that if he obtained that attention their Lordships would be convinced that the petitioner had the strongest claim, not merely on their compassion and sympathy, but also on their sense of right and justice. The petitioner complained that by an iniquitous fraud on the part of those relations to whose care he was intrusted as an infant on the death of his father he had been unjustly stigmatized as an alien, and as the illegitimate son of his parents, and had thereby been deprived both of his rights as a British subject, and of the inheritance to which he was lawfully entitled. He further complained that by a cunning abuse of the technicalities of the law on the part of those by whom this wrong was perpetrated he had been shut out from ever obtaining a fair hearing of his case on its own merits. He asked their Lordships to take this statement into their consideration, and if they found it to be well founded, that they would obtain for him a fair investigation—for that was all he asked—either by their Lordships or in some court of law. The statement made in the petition he was about to present to their Lordships in support of these allegations was one of so extraordinary a nature that it might well be termed almost incredible. But nevertheless he was persuaded that if their Lordships would grant an inquiry they would find that every word of that which the petitioner asserted could be substantiated. The case afforded another example of that oft-repeated saying, "Truth is stranger than fiction." His chief difficulty in bringing this case before their Lordships was the enormous complexity of the materials with which he had to deal, because the credibility of the petitioner's statement depended in a great degree upon the manner in which different converging lines of narrative were brought together to support his conclusion, and in which many circumstances apparently immaterial were, by their connexion with each other, made to form unanswerable evidence in support of the petitioner's case. It would be difficult even for the noble and learned Lord on the cross-bench (Lord Lyndhurst), on whose support he greatly depended that evening, with all his marvellous power of lucid arrangement and of stating complicated details with unrivalled terseness and clearness, to give their Lordships even a faint sketch of this most intricate narrative; but for himself, with his far weaker powers it would be madness to attempt to enter into all the circumstance of the case. He should be compelled, therefore, to pass by many important series of events, and give merely an outline of the main case, and a specimen of some of the proofs by which that case was supported. He had been most reluctant to undertake to bring this case before their Lordships, not only because he felt unequal to the adequate exposition of it, but still more because he should be compelled to bring charges of the gravest description against those persons by whom Mr. Shedden asserted that he had been wronged. The chief actor in these iniquitous transactions, as he deemed them to be, was a Mr. Patrick, a gentleman of great age, who had always held a high position in society, and in the honourable profession to which he belonged. It was painful to have to charge a gentleman of Mr. Patrick's age and station with such conduct as he should be obliged to impute to him; but if he really had been guilty of such conduct, it was due not merely to the petitioner, but to the highest interests of society, that that conduct should be exposed. He did not bring this case forward without having studied it to the utmost of his power. He had devoted great labour to it, and he had gone carefully through the case of the petitioner and the evidence by which it was supported, and he had also read the printed answer to that case which had been put forward on the part of Mr. Patrick, and he had heard the observations which that gentleman's agent had addressed to him on the subject. He was bound to say that his conviction of the truth of those allegations was not less founded upon the clear evidence brought forward by the petitioner, than on what he was reluctantly compelled to call the obvious want of ingenuousness and candour displayed by Mr. Patrick in meeting the charges made against him, and the palpable misrepresentation and misstatements, as he conceived them to be, which he detected in that gentleman's answer. But to proceed without further comment to the petitioner's case. The petitioner's father Mr. William Shedden, left Scotland, as a young man of twenty-two, in the year 1770, to take the management of a mercantile house into which he had entered in Virginia. He carried on the business of this house prosperously for five years, until the commencement of the troubles of the American Revolution; when having espoused the Royalist cause he was, in the year 1777, compelled to fly for his life on board one of Lord Howe's frigates, and an Act was passed by the Legislature of Virginia confiscating his property and declaring him an alien enemy. In 1778 he went to Bermuda, and there established a mercantile house under the title of William Shedden and Co., a first cousin of his own, Mr. Robert Shedden, and a brother-in-law of this gentleman, being partners with him in the firm. This house was successfully carried on until the year 1783, when its affairs were brought to a close, Robert Shedden going to London and William Shedden to

New York. His going to New York arose out of this circumstance:—By the treaty of peace with the United States it was agreed that compensation should be made to all British subjects who had lost property by reason of their loyalty to the British Crown, and in 1783 an Act of Parliament was passed appointing a Commission to arrange these compensations. Mr. Shedden accordingly went to New York for the purpose of bringing his claim before this Commission. It appeared from the correspondence that when he went his intention was to remain there only a short time; but the business of arrangement and compensation proved to be tedious and embarrassing—in point of fact, it was not settled until the year 1802, four years after Mr. Shedden's death. Shortly after his arrival in America the war of the French Revolution broke out, and he was largely employed by the British Government in affairs of the greatest importance and of the greatest delicacy. He had to purchase supplies for the British army and navy in the West Indies, and to make arrangements for their transmission under the neutral flag of America. Being thus detained at New York, he formed a new commercial house, the partners in which were himself, Robert Shedden (who had been previously his partner in Bermuda), and William Patrick the nephew of Robert Shedden. He ought to have mentioned earlier that soon after leaving Scotland for America Mr. Shedden had succeeded, by the death of his father, to an estate called Roughwood, in the county of Ayr. Upon succeeding to this estate he appointed as his factor Mr. John Patrick, his brother-in-law—the husband of his sister, to whom he gave a power of attorney, in conjunction with two other persons, to act for him in his absence. It appears that in establishing the house at New York, of which himself, Robert Shedden, and William Patrick (who was a near relation of John Patrick), the chief object was to launch William Patrick into business. In 1785 Mr. Shedden married in New York, a Miss Rachel Kennedy, who died in a very short time, leaving him one daughter only. In 1790 he married again, by civil contract, a lady named Ann Wilson, and by this marriage had two children—a daughter born in 1792, and a son, the petitioner, Mr. W. P. R. Shedden, born in 1794. The estate in Scotland had been left in the hands of John Patrick, who had three sons. The eldest of these was Robert, a doctor of medicine and a surgeon in the army; the second, John, a merchant trading in New York; and the third, William, who was admitted as a writer to the Signet in Edinburgh in 1793. This last-named person, whose conduct was implicated in this transaction, was still alive. In 1795 Patrick, senior, died, and his son William got into his own hands the entire management of the Scotch estates, which, indeed, he had managed for two years before. It was now necessary that he should call their Lordships' attention to the position in which the several parties stood at this time. In 1798 Mr. Shedden was living at New York as a highly respectable citizen, with his wife, Mrs. Shedden. Mrs. Shedden was received as his wife in the best society of New York, and was engaged with ladies of the highest character in the charities and other engagements of the place. Robert Patrick, the eldest son of Patrick, senior, was serving as a surgeon in the Mediterranean, John Patrick was trading on his own account as a merchant in New York, but mainly depending on the credit of his uncle, Mr. Shedden; and William Patrick, as he had already stated, was carrying on business in Scotland as a writer to the Signet, and managing Mr. Shedden's estates. He had omitted to mention that before his father's death William Patrick wrote to John at New York, urging him to obtain a transfer of the powers possessed by his father with reference to the estates to himself and his brother Robert. There was some difficulty about this at first, but ultimately Mr. Shedden consented, and the power required was sent over to Scotland. It would be clearly proved that at this time the three brothers Patrick possessed very small pecuniary means—John was desirous of entering into various speculations with a gentleman of Greenock, named Hugh Crawfurd, but was unable to do so from the want of means. In 1798 Mr. Shedden was taken dangerously ill, and, after a long and severe illness, died on the 13th of November of that year. Previously to his death he executed a deed of entail on his Scotch property, by which it was directed that the rental of the property should be allowed to accumulate for the use of his son when he came of age. What became of that deed of entail was not accurately known. It was the belief of the petitioner that it came into the hands of William Patrick; but he must frankly admit that this was merely his belief, and that there was no evidence of the fact. Still more nearly before his death—on the 7th of November—he also executed a will by which he directed that his whole property in America should be taken possession of by his executors, of whom John Patrick, his nephew, was one. They were charged, after paying his debts, which were very few, to pay to his widow an annuity of 400 dollars, and such further sums as might be necessary for the support and education of his daughters. He then directed that subject to these charges his property was to remain in the hands of the executors, and that when his children attained their majority it was to be divided equally among them. His son he directed to be sent to Scotland, and William Patrick he appointed his guardian. It was necessary to state another event on which much turned. Before his death Mr. Shedden thought fit to have another marriage between himself and his wife. The first marriage had been merely one by civil contract, performed in the presence of witnesses. That form of marriage was perfectly valid by the law of New York, and it was then, as now also, perfectly valid by the law of Scotland; but there was no registry, and it was supposed by Mr. Shedden that there might be some difficulty in proving his marriage in Scotland. He believed that the legitimacy of his children would be better established if he was married according to the forms of the Episcopal Church, and that thereby his son's succession to his Scotch estates would be made more safe and more certain. Unfortunately this step, coupled with the choice Mr. Shedden had made of the Patricks as the persons to whom the interests of his widow and children should be committed, had precisely the opposite effect to that which was intended. The petitioner stated that a deep-laid conspiracy was entered into between the Patricks for the purpose of getting possession of their uncle's property, and affixing to his children the stain of illegitimacy. The nature of the plot he would state to their Lordships on the allegations of the petitioner. The very existence of the petitioner, the son of Mr. Shedden, was, in the first place, to be concealed in Scotland till William Patrick placed his brother Robert, the eldest of the Patricks, who would have been heir at law in the event of Mr. Shedden dying without issue, in possession of the estates. Then the petitioner and his sister were to be shown to be illegitimate, and the annuity to the widow, given under the husband's will, was to be refused. John Patrick was to avail himself of his power as an executor, and of his knowledge of his uncle's mercantile affairs, to make it appear that there were not any funds in America for the payment of the annuity, and at the same time all about the Scotch estates was to be concealed from the widow, as well as the claims which, under the Scotch law, she would have to a dower from those estates. He would now show what great facilities the parties had for carrying out their plans. In the first place William Patrick was the factor for Mr. Shedden, and had the complete management of the Scotch estate, and possession of all the accounts relating thereto. Singularly enough, it happened that William Patrick in Scotland was in possession, not only of those accounts which would naturally come to him as factor, but of those papers which ought to have been a check upon him, and which should have been in the possession of Mr. Shedden. It would be remembered that when Mr. Shedden first went to New York he had joined in the power of attorney with William Patrick two other persons — their names were Fullarton and M'Clellan. The first named never acted, but the latter did to some extent, and had possession of the papers proving the payments made on account of the estate, and also those from Mr. Shedden to William Patrick as factor. Mr. M'Clellan, however, died before 1798, and by a will which, singularly enough, was written by William Patrick, he made the elder Patrick his executor, and thus, through Robert Patrick, William Patrick came into possession of all those important papers. Mr. Shedden had not been in Scotland for twenty-eight years; very few persons there knew anything of him, and their Lordships were aware of the difficulty of communication between America and Scotland at the time, especially during a period of war. Then, again, John Patrick, the brother and associate in this conspiracy of William Patrick, was the executor, and in possession of all Mr. Shedden's papers in America. It was true that two other gentlemen had been associated with him in that trust; but if it could be shown that the moment Mr. Shedden was dead, John Patrick, without waiting for the will to be proved, without waiting for the company of the other executors, went immediately to his uncle's house, and in the character of representative of the family ransacked all the repositories, carried off, as was believed, many important papers, and also, as was believed, a considerable sum of money; the fact of their being co-executors would be admitted to have been no bar to these plans. The evidence to prove these facts could only be slightly alluded to, as it consisted mainly of a most curious correspondence, which only came to light a few years since, and it would be impossible to do more than briefly allude to it. Those letters were so voluminous, and facts could only be ascertained by a careful comparison of different passages, that it would be impossible and useless to read them all. He was, therefore, compelled to state merely what he conceived to be the substance of those letters, which, if the House thought fit, could afterwards be more closely examined before a Committee. He found the correspondence bore a double character — some letters being obviously written for the purpose of being publicly seen, which were of the fairest character. There were other letters, which appeared to have been written for the private information of the brothers to whom they were respectively addressed. There were others of a mixed character, which, while giving no information to strangers, were couched in terms which were quite intelligible to those who possessed the key to them. In that correspondence were to be found instructions that the widow " must be cut down;" the actual expression used by William Patrick. " She must not receive her annuity:" " You must exhaust the funds in America." Hints were thrown out to raise fictitious claims against the estate to excite alarm in the minds of the other executors, so that they might be led to decline interfering in the matter. Then it was said, " You must get the widow to ratify the will, without hinting anything about the Scotch property—the object being to bar her dower." Such was the construction which he (Earl Grey) had been compelled, after a careful perusal of the major portion of the documents, to arrive at. In the course of that correspondence, William Patrick suggested that the widow should be prevented from coming to Scotland, as she might there be exceedingly troublesome. These schemes were to a great degree successful. The widow was prevented from receiving her annuity; a portion was dealt out to her in small sums, and she was utterly unable to take any effective measures to assert her son's rights. She did, however, make an attempt to assert those rights, for she transmitted to a respectable solicitor in Scotland a certificate of her marriage with Mr. Shedden on his death-bed, together with affidavits alleging the fact of a prior marriage by civil contract, and also alleging that the object of the second marriage was to render the proof of her son's legitimacy more easy in Scotland. When William Patrick found that in spite of all his efforts to prevent the widow from bringing forward her son's claims, she was yet doing so, he proceeded to take measures on his part to establish the claim of his brother, Dr. Robert Patrick. With that view he took certain proceedings called in Scotland serving a person " heir." The nature of that proceeding was that the sheriff of the county held an inquest, upon which a jury was empanelled to try the title of the claimant. In cases where the opponents of a claim were represented the proceeding was fair enough; but where there was no opposition, the jury, as a matter of course, accepted the claimant's story as true, and finds him entitled to the character he claims. That state of things, however, had been found to open the door to such great frauds, that the law had, a few years since, been altered by Parliament, and the old proceeding was no longer followed. As there was no one, of course, to oppose the pretended claimant, William Patrick succeeded in serving his brother heir to the estate. Who was to appear against him? There was probably no man in Scotland at that time aware of the existence of the petitioner, or of any person who had a claim to the estate, except William Patrick; and he, the confidential agent of his uncle, the guardian of the son of the person from whom he and his family had received the greatest kindness through their lives, and the interests of whose child he was bound by every principle of duty and of honour to protect, was the man who swore to the inquest at Ayr that Mr. Shedden had died in America without issue, having made a settlement of his estate in favour of certain persons, not mentioning who those persons were, though he well knew they were those whom Mr. Shedden, at all events, considered to be his lawful wife and children, and that Robert Patrick, as nephew to the deceased, was heir-at-law. That statement, coming from such a quarter, necessarily obtained credit; and it was one of the most remarkable facts, in the present remarkable case, that when it was last brought before the Court of Session, a few years ago, the Lord President at the time—Lord President Boyle—had been the chancellor of the jury by whom the inquest was held at Ayr, and he distinctly recollected that no mention was made of any child of Mr. Shedden. But William Patrick was not only the agent of his uncle and the guardian of the petitioner, but also the judicial factor appointed to manage the estate for the benefit of all concerned, and in that capacity likewise it was his duty to take care that no injustice was done. Another circumstance showing the *animus* with which he acted was, that when he swore that his uncle and benefactor had died without leaving issue, he knew, whatever might be the case with respect to the petitioner, that there was a daughter by a prior marriage. It was true that Mr. Patrick, for his own purposes, represented that daughter to be illegitimate also, implying that his uncle, who bore a high character in New York, had lived first with one mistress and then with another; but he knew well, though he put forward that statement, that the first daughter was legitimate — that the first Mrs. Shedden, like the second, had been received universally in New York as the lawful wife of her husband—and he knew also that their infant daughter had been registered in the principal church of the Protestant Episcopal communion in New York as the daughter of Mr. and Mrs. Shedden. It might be said that Mr. Patrick was bound to support the interests of his brother in preference to those of his cousin. That was true; and if he had endeavoured by fair and legitimate means to show that the child was not entitled to the estate, but that it belonged to his brother, there would not be a word to say against him. What, however, in that case was the line of conduct which he should have pursued? He ought to have written at once to Mrs. Shedden and the executors that he had interests opposed to theirs, that he could not support the claim of the infant to the estate, and that he felt it his duty to assist his brother. But he proceeded far otherwise. He no doubt declined to act as the guardian of his nephew, but not until six months after he had served his brother as heir-at-law, and, during the whole time that he found it for his advantage to do so, he, without accepting the guardianship, exercised the powers of that office in such a manner as to prevent any other person from watching over the interests of the child. He also managed to keep the child out of Scotland where his presence would have been troublesome, and so dealt with the money, which by his own showing he had received for the benefit of his cousin, as to deprive the solicitors, to whom Mrs. Shedden had applied, of the means of supporting the suit they had raised. At a subsequent period Mrs. Shedden was re-married to a certain Captain Vincent, the re-marriage taking place by the advice of her friends, as the only means of obtaining protection in her almost destitute condition, and as Mrs. Vincent she followed up, as far as she was able, the claims of her son. But, what with the difficulties of communication with Scotland, the circumstance of her being entirely unknown, while Mr. Patrick was a man of some influence, and the fact that Mr. Patrick represented her as a woman of bad character entirely unworthy of credit, the proceedings which she took were altogether ineffectual, and she died about the end of 1802. Afterwards, though nothing was done by the mother, legal proceedings were instituted by other persons. But the petitioner stated that those proceedings were not to promote his interests. They were instituted, he stated, with the deliberate purpose of barring his claim to the property when he came of age; and their Lordships would presently see that there was good ground for that allegation. The proceedings originated in a letter from Mr. William Patrick to the executors in New York, suggesting that somebody should bring forward a claim to the estate on behalf of his cousin, but leading the executors to infer that whoever did so would incur great pecuniary responsibility. That letter, of course, led to nothing. Mr. Patrick then put forward certain parties in Scotland, who made an application to the Court of Session, stating that Mr. Patrick had declined to act as guardian, and that it was for the interest of the child that his right to the estate should be tried as soon as possible, and recommending that Mr. Crawfurd, a merchant, should be appointed to take charge of his affairs. The persons who made the application were entire strangers to Mr. Shedden and his father, but were all clients of Mr. W. Patrick and under his immediate control—in fact, his mere puppets. In consequence of the application, the Court of Session appointed Mr. Hugh Crawfurd factor *loco* *tutoris,* and it became his duty to endeavour to set aside the "retour" by which Mr. Robert Patrick was declared heir at law. Mr. Hugh Crawfurd was a merchant at Greenock, and had carried on speculations jointly with Mr. John Patrick in America. It could be shown that during the whole time of these proceedings Mr. Hugh Crawfurd was in great pecuniary difficulties and was constantly applying to Mr. William Patrick for money, pending the suit which he brought on behalf of the child. He thought their Lordships would admit that such an appointment as that of Mr. Hugh Crawfurd to take care of the interests of the child was one of most damning suspicion; but the manner in which the case was conducted by Mr. Crawfurd made it far stronger than the original appointment. If there had been any *bonâ fide* intention to support the real interests of the child, would not Mr. Crawfurd at once have gone to the very respectable solicitors in Edinburgh to whom the widow had sent her own case, or would he not have made some application to persons in America, in order to obtain information? He did nothing of the kind. Instead of employing those very respectable solicitors, who were at the time in possession of the widow's papers, he employed another man—a certain Mr. Millar, a friend of Mr. Patrick—against whom there was nothing to impute, save that he had no means of knowing anything about the subject except what Mr. Patrick thought fit to tell him. As another proof of want of good faith, when Mr. Crawfurd came to draw up the case for counsel, and to bring the subject before the courts of law, he rested the sole claim of the infant upon the ecclesiastical marriage which was solemnized on Mr. Shedden's death bed, and said not a word about the prior marriage, although the certificate which was put in to prove the ecclesiastical marriage was the identical certificate which was sent over from America, having annexed to it affidavits as to the prior marriage. It could be clearly demonstrated that the certificate used was the same certificate separated from the important documents to which it belonged. That was not all. While the claim was vested upon the ecclesiastical marriage, and not upon the prior marriage, the ostensible promoter of the interests of the child stated that marriage not accompanied by a religious ceremony was not valid by the law of New York. He was enabled to state to their Lordships, upon the highest authority, that at that time, at all events, if not now, the law of New York was precisely the same as the law of Scotland—that declaration before witnesses constituted a perfectly valid marriage, that there was no registration, and that nine-tenths of the most perfect marriages in New York could be established on no other kind of evidence than Mrs. Shedden could produce in favour of her own marriage; but he who called himself the guardian of the child put gratuitously into the case the false assertion, that marriage not accompanied by a religious ceremony by the law of New York was not valid. But, further, upon the question of domicile, it was of importance to show whether Mr. Shedden intended to come back to Scotland, or to remain in America, and the guardian of the child said, in the case which went to counsel, that Mr. Shedden never intended to come back, the fact being that Mr. Patrick was in possession of many letters from Mr. Shedden, expressing his full expectation of coming home, ordering a pipe of Madeira for his use, and giving directions not to grant leases, because, on his return, he wished to have the power in his own hands. Counsel had no reason to doubt the case put into their hands. They had no reason to suspect entire collusion from first to last—that it was meant and wished they should fail. They could have no such suspicion; but the procedure was a gross imposture, and under such circumstances the case failed, and the Court of Sessions, by decree in 1803, affirmed the right of Mr. Robert Patrick to the estate. But the case did not stop there. An appeal was brought to their Lordships' House, but with the same want of good faith as had marked the whole proceedings. In a letter written in December, 1803, by Mr. H. Crawfurd to Mr. W. Patrick, the writer, alluding to the decision of the Court of Session, said the decision was very strong, and not likely to be set aside; but, as he understood that, without appeal, a challenge on the part of Mr. W. Shedden would be open, he thought his duty would be best discharged by appealing to the determination of the House of Lords. The person who suggested the appeal would not allow matters to rest until the child had grown up and could judge for himself, but advised an appeal, because "he understood that without it, a challenge on the part of Mr. W. Shedden would be open." Their Lordships could judge from that with what degree of good faith the appeal was prosecuted. Now, there was this remarkable circumstance, that pending the appeal the estate was sold by Robert Patrick to William Patrick. By his own showing, William Patrick purchased it before the appeal was decided; therefore, what did their Lordships find? Why, that those three brothers Patrick were all notoriously in low pecuniary circumstances, before Mr. Shedden's death—that, in a very short time afterwards, Mr. Shedden's estate entirely disappeared, and the three Patricks were converted into wealthy men, Mr. William Patrick being put into possession of the estate which, a short time previously, it was notorious he had no means of purchasing. There the case ended for some years. The petitioner, Mr. Shedden, was sent for from America by the executors. He arrived in this country in 1800, and in 1810 he entered the Royal Navy. His ship, however, was paid off in 1815, and he then wished to enter the profession of the law, but his uncle, William Patrick—and that was a significant circumstance when taken in connection with others—decidedly objected to his doing that, on the ground that it would be a dangerous thing for him to study the law. The result was that he went to India, where he entered into trade, and eventually realizing considerable property, returned to this country in 1833, having previously paid two short visits to Scotland. Soon after he returned, in 1833, he entered into negotiations with his cousin, William Patrick, with respect to the purchase of his father's estate. Those negotiations, however, went off, but in the course of them the petitioner, Mr. Shedden, for the first time, was made to entertain a suspicion of the fairness with which he had been treated. Those suspicions being once raised, he eventually obtained such information as induced him to believe that he had been wronged by his cousin, and in 1847, under the advice of counsel, he commenced proceedings for the recovery of the estate. He also entered what was called in the law of Scotland a declarator of legitimacy, the object of which was to prove his legitimacy. At that time the petitioner had no suspicion of his mother's prior marriage, nor any doubt as to the domicile of his father. In answer to the first suit a preliminary defence was put in by Mr. Patrick; but before that came on to be argued some additional information was obtained which led to the petitioner, Mr. Shedden, being advised to put in a supplemental summons. He received, at the same time, certain information from America, which resulted in a commission being sent out to that country, at his instance, to obtain evidence on the question of his legitimacy, and Mr. Shedden himself accompanied the commission to New York for the purpose of being present at the inquiry. Almost the first thing they did was to examine certain papers in the possession of a Mr. Van Hook, a lawyer in that city, and he (Earl Grey) should call their Lordships' attention to a remarkable circumstance by which the whole iniquity of this complex fraud was brought out. When proceedings were instituted in Scotland, Mr. William Patrick wrote to Mr. Van Hook for all the papers in his possession relating to the affairs of his brother; but Mr. Van Hook, to his great credit, having heard something of the proceedings in Scotland, wrote in reply that it was not for the interests of justice that the papers in question should be placed in the hands of one of the parties to the suit, and he would therefore not part with them. It was in consequence of that most correct decision that the papers were retained by Mr. Van Hook in New York, and that the commission was sent there to take evidence. It was also in consequence of the course which Mr. Van Hook, to his infinite honour, took on that occasion, that the transactions on which the petitioner grounded his case were brought to light. When the commission arrived in New York, Mr. Patrick's agents declined attending, and they therefore proceeded to examine the documents in the possession of Mr. Van Hook; and among other important papers they found a letter from Mr. William Patrick, in his own handwriting, dated in April, 1800, and enclosing, in the handwriting of his clerk, copies of the notarial certificates of the certificate of the ecclesiastical marriage, and of the important affidavits annexed to them, referring to the civil marriage, which was anterior to the ecclesiastical. Therefore their Lordships had it in the handwriting of Mr. William Patrick himself, who had previously professed to the petitioner to have acted towards him with the utmost fairness and justice, and to have given him all the information in his power touching the matters in dispute that before commencing those proceedings at all he was in possession of those affidavits which Mr. Van Hook, a lawyer in New York, had deemed amply sufficient to prove the prior marriage. Mr. Commissioner

Kay's evidence proved conclusively that the connection between Mr. and Mrs. Shedden was a real and valid marriage, which ensured their admission to the best society in New York, and that she was universally received as a married woman. Various technical proceedings, which it was unnecessary for him to describe, took place in the Scotch courts, and in 1852 the Court of Session was called upon to determine whether Mr. Shedden should have the opportunity of proving facts which, he alleged, showed that the whole of the legal proceedings were fraudulent, and ought to be set aside. Hereon, Mr. Richard Patrick took steps which were similar to a demurrer in the British courts. Mr. Shedden contended that the decree of the Court of Session in 1803, and the judgment of the House of Lords in 1808, affirming that decree, had been fraudulently obtained, and ought to be set aside; and he alleged that the executors of his father were parties to the fraud, and that Mr. Crawfurd, who had brought an action in his name, was really in the interest of his opponents, and had brought the action, not with the view of establishing his (Mr. Shedden's) right to the estate, but really in order to bar his claim. The Court held, however, that, even if all the facts alleged could be proved—if Mr. Shedden was incontestably legitimate, and ought to be declared the heir to the estate,—and if it could be proved that the Patricks had used their power to prevent the facts from coming before the Court below or their Lordships' House—these facts were in the terms of the Scotch law "irrelevant," or insufficient grounds for setting aside the final judgment of a legal tribunal, because it was not shown that Mr. Crawfurd was acting collusively, or that he was really in the interest of the petitioner's opponents. Upon appeal to their Lordships' House this decision of the Scotch Court was confirmed. The result was that not only was Mr. Shedden debarred from attempting to recover the estate of his father, which was left in the tranquil possession of Mr. Patrick, but he was completely shut out from the opportunity of establishing his legitimacy, upon which his character in this country depended. If he was legitimate, he was a British subject. [The LORD CHANCELLOR was understood to observe that if Mr. Shedden was born after marriage he would be a British subject.] His (Earl Grey's) argument was that the prior marriage, which constituted the ground of claim, had never been inquired into by any British court of justice; and that, if such prior marriage were established, Mr. Shedden was undoubtedly legitimate and a British subject. Mr. Shedden was, however, debarred from bringing the question before any court of justice in this country. He (Earl Grey) maintained that the legitimacy of Mr. Shedden had been fully established. The subject had been brought before an American court. Since the appeal to their Lordships' House, Mr. Shedden had discovered that there was certain landed property in the State of New York which had belonged to his father, which had subsequently been occupied by one of the Patricks, but the greater portion of which had eventually fallen into the hands of squatters, who had gained a legal right to it by more than twenty years' possession. There was, however, one of the squatters who had not held his portion of the estate for so long a period as twenty years. Against him Mr. Shedden brought an action, which was substantially contested. On the trial of that action witnesses were called who were well known to the present and the late American Ministers as persons of unexceptionable character, and they one and all declared that Mr. and Mrs. Shedden were man and wife, and had always been considered to be so. That evidence was considered to be so irresistible that the jury, without hesitation, returned a verdict for Mr. Shedden, and in that verdict the judge expressed his unqualified concurrence. Two of the persons who were examined stated that nothing was ever said against the character of Mrs. Shedden, and that if she had been only Mr. Shedden's mistress, it must have been known all over the town, and Mr. Shedden would have been scouted by every man in the city. New York was at that time but a comparatively small town. The manners of its inhabitants were characterized by something of puritanical strictness, and it was inconceivable that, if not married, Mr. and Mrs. Shedden should have been admitted into the best society, and that her name should, among the ladies, have been quoted as that of a person whose assistance might always be depended upon in all cases of charity. It was not too much to assert that if this evidence did not prove the legitimacy of Mr. Shedden, he knew not what evidence could be sufficient to prove the legitimacy of any one of their Lordships. Under these circumstances he asked, was not Mr. Shedden entitled to claim, not from their compassion, but from their sense of justice, relief at least from the hardship of being branded as illegitimate and being deprived of his *status* as a British subject? Was it unnatural that the descendant of an ancient Royalist of the American war should attach value to the character of a natural-born English subject? Was it unnatural that the bearer of an honourable name descended from a long line of ancestors should be anxious to prove that he was legitimately entitled to bear that name? Above all, was it unnatural that a man whose parents had been vilely slandered should be anxious, even after an interval of half a century from their deaths, to rescue their characters from the calumnies which had been heaped upon them, and to prove that his mother was from the first, not the mistress, but the wife of his father? Even this scanty measure of justice Mr. Shedden could not obtain unless their Lordships did something to open the doors of the courts which were shut against him. He (Earl Grey) was not asking them to reverse by a legislative measure a decision solemnly pronounced in their judicial capacity. He was not contesting the correctness in point of law of that decision. Considering the eminence of the Judges by whom it was pronounced, and his own utter want of legal knowledge, it would be worse than presumption in him to do so. He did not even say that the law which made that decision right ought to be altered. Difficult as it was to reconcile the operation of that law in the present instance with the principles of justice, he was still, in deference to authority, ready to believe that, in order to avert the great evils of protracted litigation, and to protect the holders of property from vexatious suits, it was proper to maintain that state of law. But, granting that that must not be disturbed, he asked again, was the fact that Mr. Shedden had, under these unexampled circumstances, been by a cruel and heartless fraud stripped of his property any reason for refusing him the opportunity of proving that he was the legitimate son of his father, and was entitled to be considered a British subject? That question had never to this moment undergone any investigation whatever, and he claimed from their Lordships that there might be a proper and due inquiry into the fact of the prior marriage of Mr. and Mrs. Shedden. That was the object of the Motion which he was about to make. When he had presented this petition, he should move that it be referred to a Select Committee. He should take that course because, while he was quite certain that some relief ought to be given to Mr. Shedden, he was not prepared to say in what form it would best be afforded. The Committee might recommend either that a private Bill should be passed declaring Mr. Shedden to be legitimate, or, which he thought more probable, that there should be some general legislation providing that where the right of a person to be considered a British subject was at stake, he should be entitled to bring before a court the question of his legitimacy, although no property might be involved in the question. It might be that some other and better course than either of these would be adopted; but whatever else might be done, he maintained that their Lordships were, upon all principles of justice, bound to inquire whether the statement which he had made could be substantiated, and in what manner relief could be afforded. He earnestly hoped that his noble and learned Friend upon the woolsack would not resist the appointment of a Select Committee; and, above all, he trusted that no opposition would be offered to his Motion on the part of Mr. Patrick, or by those who called themselves his friends; because, if there was any one who was deeply interested in having this inquiry, it was Mr. Patrick himself. The charges which he had brought against Mr. Patrick were of the gravest description; and he thought he might venture to say that he had made out a *primâ facie* case of suspicion against that gentleman. If, therefore, he shrank from inquiry,—if, by the mouth of any friend of his in that House he should object to inquiry—he would at once convert that which was now suspicion into conviction in the mind of every impartial man. If he felt himself innocent, he must necessarily court inquiry, for the feeling of an innocent man would be to take every means to set himself right in the estimation of his fellow countrymen. He understood that Mr. Patrick had intimated to some of their Lordships that if Mr. Shedden could be subjected to cross-examination, evidence must be drawn from his own mouth which would explain away a great part of the statement just made. But on the part of Mr. Shedden he was authorized to say that there was nothing which he so ardently desired as to be subjected to the ordeal of the most searching cross-examination. His wish was that every document, every paper which bore upon these transactions should be laid before their Lordships, that every witness who knew anything of them should be thoroughly examined, and he was persuaded that the result would be to prove beyond all doubt the accuracy of that statement which he (Earl Grey) had now so imperfectly laid before their Lordships. The noble Earl then presented the petition, which was read, and the noble Earl then moved to refer the said petition to a Select Committee to consider and report.

THE LORD CHANCELLOR said, that though this Motion, as far as regarded its immediate purport, was one relating exclusively to the private interests of two individuals, yet in the principle which it involved it was, in his opinion, one of the greatest social questions which had ever been laid before their Lordships. He could well conceive why they might refer the conduct of public men, or of any men in connection with public transactions, to a Select Committee; but it was, he believed, absolutely unprecedented that their Lordships should be asked, even after there had been almost interminable litigation upon the matter, to refer it to a Select Committee to inquire whether the petitioner had any legal ground of complaint—and asked, too, after a speech in which absent persons were charged with an unmitigated system of fraud—a speech which would be circulated throughout the country, and to which it was impossible that any answer satisfactory to the feelings of the gentleman who had been accused should be at once given. If this individual had any legal ground of complaint the courts were open to him; if not, a Committee of their Lordships' House was not the proper tribunal to give him redress. Let their Lordships observe how greatly this case differed from the ordinary course of a legal proceeding. In a legal proceeding a party might advance gross charges against an opponent; but those charges could only come before the world at the same moment with the answers which were made to them. The bane and the antidote were, in fact, brought together under the notice of the public. But the speech of his noble Friend would circulate through every county to which the British press penetrated before any opportunity of giving an answer to that speech could be afforded to the person against whom it was directed. On public grounds alone that was an all-sufficient reason for resisting the inquiry, and he should have hesitated to say another word were it not that he felt it due to the gentleman accused in some slight degree to show how a portion of the charge made against him could be explained away. The facts of the case had been pretty correctly stated. Mr. Shedden was a Scotchman, who went to America in the year 1764, when only seventeen years of age. There he lived the remainder of his life, except for a year and a half, which he passed in Scotland in his father's house—with the exception of that time, and of another period which he spent at Bermuda during the American war, he passed all his life, from his seventeenth year, in America, and in America he died. He was engaged in commerce, and made a fortune more or less large—that was a matter of question—and he had a small estate in Scotland, to which he succeeded on the death of his father, which his brother-in-law, and after his death his brother-in-law's brother, managed in his absence. Mr. Shedden died in November, 1798, and at that time Mr. William Patrick was in the management of his property. With regard to this gentleman, of whom he knew nothing except what he had gathered from the papers in the case, he felt bound to say that, after having made himself thoroughly master of these papers, his impression was that he was an upright, honest man; and he was informed by several noble Lords who came from that part of the country that that was the character which he had borne through life, and which at the age of eighty-seven he had hoped to retain without further molestation. A very short time before his death, Mr. Shedden married a woman named Ann Wilson, and on the same day he made his will. All that the Patricks knew of this part of the case was derived from correspondence which they received from America. It was now suggested by the Sheddens that this correspondence was forged; but it was remarkable that it was all stated by them as part of their own case. The first intimation which the Patricks received of Mr. Shedden's marriage was by a letter written by Mr. Robert Patrick, who had formerly been engaged in business in New York with Mr. Shedden, to Mr. William Patrick in Scotland, in which he states that Mr. Shedden's illness was rapidly hurrying him to his grave, and that he had just married a woman who had been long living with him as his mistress, for the purpose of conferring the rights of legitimacy on his children by her. About the same time a letter was written by John Patrick to Robert Shedden, a merchant in London, in which he spoke of his uncle having married just before his death a woman "with whom he had long lived in another relation." On the 12th of November, 1798, William Shedden himself wrote a letter to his nephew, William Patrick, in which he stated that he had "married Ann Wilson," a thing "which was approved of" by his friends in New York, and which "restored her and the two fine children she had had by him to honour and credit." Was it possible that a man could have written in such language of his marriage if he believed that the woman was really his wife by a civil marriage that had previously taken place? The letter proceeded to say that his son was to be sent to Scotland to his nephew to be educated; that he had granted a sum for that purpose; and that he wished his son to be put to a profession suited to his position. A letter was also received by William Patrick from his brother John, stating the above particulars, and informing him that the boy had been left by his father to his (William's) guardianship. These letters, and many others which might be quoted, went to show the estimate which all parties at the time had of the connection that existed between William Shedden and this woman. As soon as these matters came to the knowledge of William Patrick, he felt himself placed in a delicate position; he had been entrusted by Mr. Shedden with the duty of educating his son; but if the marriage was a valid one, the question arose whether the law of Scotland applied to persons married in America; and if the marriage was valid, then according to the law of Scotland the son of William Shedden was entitled to the Scotch estate; but if not, then his brother Robert, as the heir at law, was entitled to take possession, inasmuch as the marriage of Mr. Shedden, under these circumstances, would not legitimate his offspring. The correspondence that took place between William Patrick and the executors at New York clearly showed the embarrassment he felt, and that he was most explicit in pointing out the propriety of some other person than himself taking up the case of the boy Shedden. An application was made to the Court of Session, and the result was the appointment of Mr. Hugh Crawfurd *in loco tutoris.* It was very easy to talk of conspiracy now; but what proof was there? William Patrick wrote to America to say that he was embarrassed by the guardianship imposed upon him, as his own brother's interests were involved in it, and recommending that an independent person should be appointed. A more natural course than this could not possibly have been taken by him under the circumstances of the case. Shortly after the death of her husband the widow married a person named Vincent, and on the 3rd of September, 1799, she wrote a letter to Robert Patrick, asking him to interest himself in the case of her children. Before stating the contents of this letter he would remind the House that the relations of Mr. Shedden never at any time looked upon her as a trustworthy woman, but, on the contrary, regarded her as a disreputable person. In the letter to which he had referred she stated that her late husband had made his last will and testament a short time before his death; that he had in the most affectionate terms recommended his son to the guardianship of William Patrick; that the small property in Scotland would be required for his support; and that she trusted he would stand forward as his protector; that she had heard a report that her late husband's relations meant to claim the estate on the pretence of the illegitimacy of the child, but that the fact was "the marriage was solemnly performed and the will as regularly executed as any two acts of this nature could be." Now, he called their Lordships' attention to the circumstance that no reference was here made to any previous marriage. Could any human being suppose that if this woman believed she had been married eight years before she would have kept it concealed on an occasion of this kind? She added that she could give the most ample testimony to the facts she had furnished. Of course all the evidence adduced in the case would become utterly worthless if it could be proved that that evidence had been fraudulently concocted. But he believed that any person who carefully read these documents would come to the conclusion that they bore irresistible marks of authenticity, and that it was impossible they could be mere forgeries. There was furnished a certificate by the officiating clergyman of Trinity Church, New York, setting forth that W. Shedden and Ann Wilson were regularly married by him on the 7th of March, 1798, and on that certificate Ann Wilson relied for its being a valid marriage. There were two affidavits in proof of the marriage, in which the deponents stated that Mr. Shedden and Ann Wilson had previously lived together as man and wife; but, in fact, although it might be true that Ann Wilson had borne Mr. Shedden's name, yet it was impossible there could have been any prior marriage, for had there been she would not have been married again in the name of Ann Wilson. That being the case, many opinions were taken both in the United States and Scotland as to the effect of the subsequent marriage upon the children. Mr. Patrick then suggested that a factor *loco tutoris* should be appointed by the Court of Session to protect the interests of the infant. That was done, and the question was elaborately argued before the Court of Session as to what was the effect of the marriage subsequent to the birth of the infant, such marriage being contracted abroad, and not in Scotland. The question turned upon the point whether the person so marrying abroad was domiciled there, or only temporarily resident *cum animo revertendi.* The conclusion of the Court of Session was that Mr. Shedden's marriage did not make the children legitimate, and was incapable of doing so. The noble Earl had put forward as a mark of great fraud the fact that it was at the instance of Mr. Patrick that an appeal was prosecuted to their Lordships' House. Assuming that to be the case, he (the Lord Chancellor) could see no fraud at all in such a proceeding, which was a common and unobjectionable one, and was intended to obtain a confirmation of the judgment of the Court of Session. When the case came before the House of Lords, Lord Eldon and Lord Redesdale, after having carefully considered the point in dispute, which they felt to be one of great difficulty, confirmed the judgment of the Court of Session, and decided that the estate belonged to Robert Patrick. If there had been any fraud at all it was impossible to conceive how that gentleman could have been mixed up in it, seeing that he was serving abroad the whole time. It was true that he subsequently sold the estate to William Patrick, but that did not alter the fact that the person benefited by the judgment of the Court of Session was Mr. Robert Patrick, then in the Mediterranean.

The matter might have been supposed to have terminated. The boy was educated, the money properly applied, and he went to sea. It had been stated that the lad was urged by his uncle, William Patrick, not to become a lawyer. That perhaps was very good advice, and was the advice which he (the Lord Chancellor) frequently gave to persons who consulted him on the subject; and to charge fraud upon a person for giving such a recommendation to a lad, who was peshaps ill-adapted for the profession, was absurd and unjust. The lad, however, went to sea, came home, and went out several times, and made a considerable fortune in India; but it was not until 1848 that he was advised by some person to reopen the whole case which had been concluded forty years previously. Mr. Shedden instituted a proceeding in the Court of Session, and, in order to give himself a *locus standi*, he alleged that the former proceedings in 1803 had been fraudulent, and that documents bearing upon his case had been intentionally kept from the Court, which would have shown that although the deceased Mr. Shedden had been resident in America he had always retained a domicile as a Scotchman; but there was no suggestion of a former marriage. In the first summons fraud was alleged against the Patricks only, but afterwards when it was found that such a fact even if it could be established would not suffice to set aside the judgment, there came a supplemental summons of eighty pages, in which it was for the first time alleged that Mr. Crawfurd had been a party to the fraud practised upon the petitioner. That was a very gross charge to make against a man for the first time twenty-six years after his death, and, moreover, when, as far as he (the Lord Chancellor) could see, there was not one tittle of evidence to support it. At the end of 1850, just as the record was about being closed and all further evidence excluded, it was alleged that the petitioner had discovered that Mr. and Mrs. Shedden had been previously married by civil contract, and was allowed by the Court of Session to amend his summons in that respect. With all deference for the Court of Session, it appeared to him (the Lord Chancellor) an absurdity to call that an amendment. The suit had been instituted for the purpose of setting aside all the former proceedings on the ground of fraud; while in the altered summons it was contended that there had been a prior marriage which rendered the birth of the children legitimate. It was an averment that prior to the birth of the children Mr. and Mrs. Shedden had been married according to what was called in Scotland habit and repute. It was the law in Scotland that if two persons lived together as man and wife, and were generally received as such, that afforded pregnant evidence that they had been married, but it did not constitute marriage, because it could be rebutted by evidence that they had not been married. Such was the opinion of Stair, Erskine, and other authorities on Scotch law into which he had looked. The object of the suit was to get rid of everything that had been done, and, *inter alia,* a final decree of the House of Lords. The Court of Session, after much deliberation, decided that there was no ground for the reduction of the proceedings, and the case was again brought before their Lordships. The argument lasted a month; he (the Lord Chancellor) had done his best to make himself master of the facts, and then felt it to be his duty to move their Lordships to dismiss the appeal on the ground that the decision appealed against was correct. As to the grievance that the boy had been declared an alien and incapable of succeeding to property in this country, that question did not call for consideration. During all these proceedings not a word was said of a prior marriage in the sense in which the term was used now. The statement made then was quite consistent with the bastardy of the child — namely, that people understood them to be married because they always passed as man and wife; but the fact that they were not married was proved by the clearest evidence, and if the child at the moment of birth was a bastard he was also an alien, and no subsequent act of his parents could invest him with any other character. It would be a most dangerous precedent if, after a case had been litigated with a degree of pertinacity without example in any court of justice, a person was to be allowed, through the instrumentality of the great talents and high influence of his noble Friend, to attack the character of a man sinking into the grave at the age of eighty-seven, after a life of reputation and honour, inviting him to a new course of litigation which might involve him in ruin, and which probably could not be terminated before his death. As to the notable suggestion to pass a Bill to declare the petitioner a natural-born subject on account of the prior marriage. Now, supposing there was a prior marriage, there was nothing in the decision of their Lordships' House to make the petitioner other than a natural-born subject. All that their Lordships had decided they had decided upon the facts there stated; and the facts did not include the marriage of 1790, according to the laws of New York, before witnesses. If, then, the fact of that marriage could be proved, the petitioner wanted no Act of Parliament to enable him to assert his rights. Not as the advocate of Mr. Patrick, but as the advocate of the people of England, and as the advocate of every one to whom property and character were sacred, he trusted he had succeeded in inducing their Lordships to resist this attempt, which was entirely unprecedented, and likely to lead to consequences impossible for their Lordships to foresee.

LORD BROUGHAM agreed that they had engaged in a difficult and painful inquiry, but he believed that no person could have done more ample and entire justice to a case so complicated than had been done in the clear, elaborate, and lucid statement of the noble Earl who opened the debate. Two matters were now before their Lordships for consideration—first, whether an error of fact was committed, and an erroneous decision come to in consequence of that error of fact—namely, ignorance of the marriage of 1790; and, secondly, whether, supposing an erroneous judgment to have been come to, after long adverse possession and several judgments, they had the means of redressing the grievance of the party injured. His opinion was, that there was a marriage in 1790, and that the children were born in lawful wedlock—lawful, not by the second marriage, but according to the law of the country in which they were born—America. The noble and learned Lord on the woolsack had taken no notice of the most material point in the petitioner's case—that decisions of competent courts of America were in his favour. Those cases were strongly contested, and the decisions established legitimacy by force of the marriage of 1790. It was argued that the ecclesiastical marriage of 1798 threw doubt upon the former marriage. When engaged in Solly's case, before the twelve Judges in Westminster Hall, he remembered stating, in answer to an observation upon irregular Scotch marriages, that at the time the Archbishop of Canterbury, the Lord Chancellor, and the Lord Privy Seal, were amenable to censure, if censure upon such a ground were due. All those three noble persons had been married in Scotland, but they went through the form of a second marriage in England, though validly married according to the law of Scotland; their wives, no doubt, being remarried in their maiden names, because it would be very difficult to get a clergyman to solemnize marriage between a man and a married woman; they were therefore married in England as bachelors and spinsters. It was precisely the same case here—the marriage of 1790 followed by the marriage of 1798. If they believed in the marriage of 1790, that disposed of the question of alienage. Then came the question whether, after such a lapse of time and so many decisions, they ought not to require fraud to be proved before granting relief. As to the question of fraud, if he was illegitimate he was therefore an alien, not having been naturalized by the naturalizing statutes. But there was never an inquiry, either in their Lordships' House or in the Court below, as to the validity of the original marriage, or touching the question of fraud. He (Lord Brougham) was therefore, on the whole, strongly inclined to think that it would be an advisable course for their Lordships now to undertake the inquiry in the manner proposed by his noble Friend (Earl Grey). He (Lord Brougham), indeed, did not see how they could get rid of an inquiry of that sort. His noble Friend (Earl Grey) might, indeed, present a Bill, as he had a right to do as a Peer, and by the courtesy of their Lordships' House, alleging the legitimacy of the petitioner, and the rights springing from that legitimacy, and reversing the judgment with the view of letting in the party to a new trial of his claim. That Bill would probably be read a first time as a matter of course; and on its second reading, he (Lord Brougham) was inclined to think their Lordships would hear the parties on either side on the merits of the case. He threw out that suggestion, but on the whole he thought his noble Friend (Earl Grey) had taken the proper course in bringing the case before their Lordships in the way he had done.

Lord ST. LEONARDS said, remembering that he assisted his noble and learned Friend on the woolsack for eighteen days in deliberating on this case when it was last before that House, he could not withdraw from the duty which he felt incumbent upon him of addressing their Lordships on the present occasion. Voluminous as the papers relating to the case immensely were, he could conscientiously say there was not a single document among them that he did not read with the deepest attention when the appeal came before their Lordships' House; he believed he had made himself perfectly master of the facts of the case; and after the most deliberate investigation he came to the clear conviction that—first, in point of law this gentleman was illegitimate, and therefore an alien; secondly, that there was no fraud on which the Court could act; and, thirdly, that there was no marriage in 1790, such as was now spoken of as an absolute fact. It was important that their Lordships should see how the matter stood, because it went by steps. When the marriage took place on the 7th of November, 1798, Mr. Shedden was on his death-bed, and the marriage was solemnized when he was in bed, but it was duly solemnized. It was a marriage well calculated to excite much observation, from the very circumstance that the clergyman who performed the ceremony knew when he was called on to do so that Mr. Shedden was on his death-bed. Besides, Mr. Shedden wrote a letter which, if words could express any clear notion of a man's mind, deserved to be received with the most implicit faith, and in which he stated that he then married Ann Wilson, in order to give his children the status to which they were entitled. The case of the petitioner in every different stage had been always represented in a different manner, so as to meet the particular difficulty with which it was beset. The petitioner himself at one time relied on that letter to show that the deceased believed that he was domiciled in Scotland and a Scotchman, and that his marriage would make the children legitimate from their birth; but when the petitioner and his advisers found that that letter did not answer their purpose they declared that the letter was a forgery from beginning to end. He (Lord St. Leonards) stated, without hesitation, that there was no more doubt of the truth of that letter than there could be of the fact that he was addressing the House at that moment. Beyond the general allegation that a marriage by civil contract had taken place in 1790, and a statement in support of it put forward for the first time, sixty years afterwards there was no evidence that such marriage had taken place—no document or writing of the period had been produced in corroboration of the general allegation. He (Lord St. Leonards) was of opinion that the former judgment of the Court was a sound judgment, as one marriage, and one marriage only, had been put forward and proved. If a marriage took place in 1790 between Mr. Shedden and Miss Wilson, was it not natural to suppose, when she found that the legitimacy of her son was to be contested, that she would have said—"Although I was married to my husband upon his death-bed in a proper and regular manner, I had been previously married to him by civil contract, and before witnesses, in 1790?" Miss Wilson was represented to have been the daughter of a gentleman of good position in society, who objected to her marriage with Mr. Shedden on the ground of her youth; and was it likely that a man in such a station of life would have allowed his daughter to be married in his drawing-room by what was called a civil contract, without the existence of any document which would show that such a ceremony had taken place? The difference between the law of Scotland and that of America was this—that in Scotland there was an assumption of marriage, although no marriage had actually taken place, while by the American law there must be a marriage either by civil contract or regularly by the Church. When the case came by appeal to this House, no mention was made of the marriage in 1790. Nothing was said of that marriage as a civil marriage until it was alleged in this petition. More than that, when Mr. Shedden himself commenced proceedings in the Court of Session in 1848, after he had had plenty of time to make inquiries, he set forth in his statement that "during Mr. Shedden's last residence at New York he formed an intimacy and connection with Miss Ann Wilson, the mother of the pursuer, of which connection there were born the pursuer and a daughter, and with the avowed purpose of legitimating the pursuer and his sister he married the said Ann Wilson at New York on or about the 7th of November, 1798." He died at New York on the 13th of November, of that year. It was admitted that a civil marriage would in America have been perfectly binding, but no such marriage was alleged either in 1808 or in 1848. After this Mr. Shedden obtained leave from the Court of Session to put in a new statement—in fact, a new case; and in that he set up a marriage, not by civil contract, but by habit and repute, cohabitation, their living as man and wife, and people believing them to be so. Such a marriage would satisfy the law of Scotland, but it would not hold good in America. The Court of Session was of opinion that it had not jurisdiction, and the matter came by appeal to their Lordships' House. The course there taken was, that they first heard arguments as to whether the case could be reopened, and then came to the conclusion that they could not decide that point of law without hearing the facts. In no case that had come before their Lordships' was there a greater multitude of facts than in this; and after hearing them he (Lord St. Leonards) came to the clear and decided opinion that upon the facts the plaintiff was not entitled to relief, and that had he been so he was wrong in the course which he had taken; and therefore he should, so far as his vote went, have decided against him. If the House agreed to the suggestion of the noble Earl, every man who could make out a new case would come to their Lordships, and upon an *ex parte* statement ask for a new trial. In every other court of justice, when a man alleged that he had found out new facts, and asked thereon for a new trial, the answer he got was, that he ought to have found them out in time; and there was nothing to show here that the petitioner had been taken by surprise, or that he had not all along known of the new facts which he now brought forward. What was to be done if the petition were referred to a Select Committee? Surely it was not intended that a Select Committee of their Lordships' House was to re-try a question which had already been decided twice in the Scotch Courts and once in their Lordships' House. It was remarkable how the petitioners had shifted their ground. At first they rested on the marriage of 1798, then on the cohabitation merely, and now the marriage of 1790 was brought forward. What was now attempted to be set up ought to have been brought forward in 1848. It was quite impossible to accede to the proposition of the noble Earl without striking a fatal blow at the administration of justice and at the jurisdiction of their Lordships' House as a Court of Appeal. With regard to Mr. Patrick—though it was no business of his to defend him—he was bound to say that he was of opinion that the case had not been made out against that gentleman which it had been attempted to make out. He was a gentleman of advanced age, and it was rather hard that he should be exposed to such a powerful attack as that which the noble Earl had made upon him without having a single voice raised to say a word in his favour.

Lord LYNDHURST said, that after the very able and searching speech of the noble Earl who had introduced this Motion, and the discussion which had ensued upon it, it would not be necessary for him to trouble their Lordships at any great length. It would, no doubt, be great presumption in him to question the correctness of the judgment, either in the Court below or in their Lordships' House, as he was not present, and did not hear any of the arguments; but he felt it due to the petitioner, who had laid some papers in the case before him, to express his opinion of it. He should begin by stating to their Lordships what he conceived to be the position of the petitioner, because that was most material to a proper understanding of the case. In its first shape when it came before their Lordships' House, the question was one of law only—for it was never supposed that there was any other marriage than the second regular marriage. The petitioner supposed that that marriage would have had a retrospective effect, as it would have in Scotland,—but it had no such effect, and the consequence was that, being born in a foreign country and illegitimate, he was pronounced an alien and incapable of recovering the estate. But where was the petitioner all this time? He was a boy at school, of six years of age, and the present defendant, William Patrick, was his guardian, and had the charge of him. He was in a state of pupilage during the whole time of the trial, and was wholly ignorant of what was taking place. On arriving at the age of twelve he was put into the navy. It was not convenient that he should remain in England, and still less that he should be brought up to the profession of the law, as he might have been led to examine the facts, and bring the whole transaction to light. Having no knowledge whatever of the case, being entirely ignorant of the facts, it was not till 1833, on his arrival in this country, and on going down to Scotland, that he was led to take up the case. He took advice, and instituted new proceedings to set aside the former proceedings on the ground of fraud. The case in due course came to that House, when, as his noble and learned Friend on the woolsack knew, it was held insufficient to allege general fraud; the nature of the fraud, it was said, must be specifically stated, in order to justify the House in setting aside the former proceedings. The Court were of opinion that the allegation of fraud was not proved, and it was on that ground the appeal was dismissed. But in the progress of the case some light broke in upon the mind of the petitioner as to the first marriage of his parents, and he began to have reason to believe that it was a perfectly regular marriage. Up to that time it had been assumed by all parties that there was only one marriage — that of 1798 on the deathbed of his father, but William Patrick knew otherwise. A certificate of the first marriage had been handed over to him as well as the certificate of the second marriage. He therefore knew it, but suppressed it — he brought forward the evidence of the second marriage only. On inquiry the petitioner found that his father and mother had been previously married by civil contract in a manner perfectly valid by the law of New York. Chancellor Kent said that it was not necessary that a clergyman should be present in order to make a marriage valid, though doubtless it was a very becoming practice and suitable to the solemnity of the occasion; that the consent of the parties only was necessary before witnesses, or a subsequent acknowledgment of the fact; and that a marriage might even be inferred from continual cohabitation, except in cases where there might be a civil action for adultery, &c. In addition to this definition of the law by Chancellor Kent he had the certificates of four lawyers of the highest eminence in New York to the same effect. This gentleman, then, finding he had reason to believe that his parents had been married before the ceremony took place to which alone reference had been made in the case, applied to the Court of Session for a Commission, which was granted. That Commission examined witnesses in America, whose evidence proved the marriage beyond a doubt, and having discharged its duty returned to this country. But was the evidence taken before that Commission produced? No; it was held *in retentis;* it was said you cannot prove this marriage till the question of fraud is disposed of; when that is done then the evidence may be read. The fraud was not disposed of, and in so far, therefore, all the evidence has never been produced, though it would most satisfactorily prove the reality of the marriage. But that was far from being the whole evidence of the marriage. The lady who was the mother of the petitioner was the daughter of a British officer who had distinguished himself very much in the war, and she was living in the immediate neighbourhood of her father. Was it likely that a British officer would suffer his daughter to be living in a state of concubinage with a merchant in his neighbourhood. The whole probability of the case was against such a thing. Again, the entire evidence went to show that this merchant was a man of respectability and of excellent character, living in the best society, and that his lady moved also in the best society of the place. That society consisted in great part of Presbyterians, persons of strictly religious and moral character, and the House might be assured that they would never have received the lady unless they were satisfied that she was the wife of Mr. Shedden. His noble and learned Friend on the woolsack suggested that all these things took place after the decision in their Lordships' House. This was by no means so; they were discovered while the case was in progress. After the decision the petitioner went to New York to make further inquiry, and ascertained from a gentleman named Wood—a lawyer of great eminence, and for whose respectability Mr. Dallas vouched—that he was now in a condition to prove his *status* and bring an action of ejectment for a property at New York. He accordingly brought an action of ejectment, which was tried in the Supreme Court before a jury; a great number of witnesses were examined, and the evidence was so conclusive that, after a few minutes' consideration, a verdict was found in the petitioner's favour, and that verdict was approved of by the presiding Judge.

The LORD CHANCELLOR: Were all the facts that were brought before this House laid before the jury?

Lord LYNDHURST: The sole question was the consideration of the marriage. The point was whether the marriage was according to the law of New York, and the Judge decided that it was. What facts were necessary beyond proving that? When he adverted to the character of Mr. Wood, it was sufficient to show that the case must have been conducted in a perfectly fair and honourable manner. The case proved that there was a previous marriage, quite valid, according to the law of New York, and that the legitimacy of the children was established. His noble Friend had alluded to a document of great importance—a notarial certificate made immediately after the death of Mr. Shedden, which was sent over by the mother, and which contained upon one paper the certificate of the second as well as the certificate of the previous marriage. What did William Patrick do? What would their Lordships say of a man who cut off the evidence of the previous marriage, and produced in court only the evidence of the second? It might be asked how was that known? Mr. Van Hook, who was the administrator of William Patrick, was in possession of all his papers, and upon a search being made copies of those certificates were found in William Patrick's handwriting. It was therefore clear that he did cut off literally the evidence of the first marriage, and made use only of the evidence of the second marriage, he being at the time the guardian of the orphan boy who was thus disinherited, bound to protect the interests of the widow and children. The noble and learned Lord upon the woolsack had made a point of the questions—why was the second marriage in the name of Ann Wilson when, if the statement of a previous marriage was true, the lady's name was, not Wilson, but Shedden; and why was there a second marriage at all if the second was not bad? The reason for the second marriage was, that it would have been attended with great expense and difficulty to have proved the first marriage, and therefore a course was adopted which was not an unusual one to establish the fact more easily. As to the re-marriage in the name of Ann Wilson, it must be remembered that she could not have been married in any other name, and of that fact there was a remarkable instance in their Lordships' House. Lord Eldon, who had married Miss Surtees in Scotland, was afterwards again married to the lady in England, not as Mrs. Scott, but as Miss Surtees. Then came another document, which, if a true document, was decisive. He referred to the letter of the 12th of November, which was supposed to have been written by Mr. Shedden upon his deathbed, acknowledging the fact that he had not been previously married. If that letter was a genuine document, it destroyed the petitioner's case, but if it were a fabricated letter, then it was equally destructive of his opponent's. The noble and learned Lord on the woolsack said the petitioner made that letter a part of his case. That was true; but what were the circumstances? He used it in support of the averment of the second marriage, and, indeed, as such it was forced upon him. But he afterwards denounced it as a fabrication, and called upon his opponents to prove it. They retorted that the document had been handed to the petitioner, who denied that he had ever received it, and invited the other side to prove that it had ever been given to him, at the same time challenging proof that it had ever been shown to or had been seen by any person. That challenge had been declined, and up to the present moment no proof of that letter had been given. Was it likely that a skilled lawyer like Mr. Patrick would have given up an original document so important in its nature without taking some receipt, or having the presence of some witness to prove the fact? Then, again, looking at that letter itself as put forth in evidence, its contents were in contradiction of the great mass of evidence which had been referred to—discarding that letter, the evidence of the first marriage was overwhelming. Moreover, the letter was dated the 12th of November, Mr. Shedden's death taking place on the 13th, while on the 10th it was stated that he could not turn in his bed, would never be able to transact business again, nor to open a single letter. Then, again, the contents of the letter were false. It stated that it contained two bills of exchange for £417, to be applied for the education of the boy; but it appeared from entries in Mr. Shedden's ledger that the £417 was not remitted for any such purpose, but was intended to discharge a mercantile debt. Again, the bills were stated to be sent by the *Fairy*—then they could not have arrived at the time pretended. More than that, the original of those bills never arrived, and the papers produced were only copies, not signed by the deceased. That evidence had not been heard by that House or in the court below; and if the petitioner's legitimacy were established, beyond doubt he had been unjustly deprived of his estate. He contended that a Committee should be appointed to inquire whether any relief could be given, and what that relief should be. If after inquiring they found that they could give no relief they would so report to the House; but if, on the other hand, they found that without infringing any rule of justice they could afford relief, they would not only be ready, but be happy and most anxious to grant it. For these reasons he would support the Motion of his noble Friend.

LORD CAMPBELL said, he was sure that their Lordships must have heard with pleasure the able speech of his noble and learned Friend, and would not be surprized if, with the deference which they felt for such high authority, they should agree to the appointment of a Select Committee. But he felt it his duty to enter his solemn protest against a proceeding which was wholly unprecedented, and which he was satisfied would lead to the most serious results. He was not an advocate for Mr. Patrick; he never saw that gentleman in his life; and he knew nothing of the case except what he heard during the hearing of the last appeal, and then only for a day or two. In what state, then, was the case now? In his opinion it was *res judicata*, and if injustice had unfortunately been done it was irremediable. The Court of Session in 1803 decreed that the estate in dispute belonged to Robert Patrick, and not to the petitioner. That decree was confirmed by the House of Lords, the Court of last resort, in 1808. His noble and learned Friend who spoke last said that he concurred in the decision of their Lordships in 1808, and also in that of 1852. [Lord LYNDHURST: I was not there.] His noble and learned Friend said that if he had been present he should have concurred. But if there was fraud——if Mr. Patrick forged and suppressed, being the guardian of young Shedden, and an infamous man, surely his noble and learned Friend would not concur. Nothing could be easier than to demonstrate from those concessions that a Committee ought not to be appointed. The decisions of the House of Lords were to the effect that the suit had been conducted without fraud, and that the judgment of the Court below could not be impeached, but must stand as a lawful and rightful judgment. By that judgment, so confirmed by the House of Lords, under the advice of Lord Eldon and Lord Redesdale, the estate was declared to be the property of Robert Patrick. It was plain, therefore, that the decision of 1808 could not be reopened. The main argument in the subsequent suit was that what was called the second marriage had a retrospective effect and rendered the children legitimate; but he maintained that even supposing the second marriage had been proved it would have been impossible to set aside the former decision. After a solemn decision the discovery of fresh evidence was unavailable, and there could be no redress. What did they now propose to do? The present was not a judicial proceeding. There were no parties; no new suit had been commenced; there was no appeal before their Lordships, and they could not originate a cause. Supposing it had been a judgment of the Judicial Committee of the Privy Council. What mischief would follow such a proceeding! His noble and learned Friend said that he had communicated with the petitioner, and evidence had been laid before him; but that was not a course that could be followed. He had a sincere respect for their Lordships, but he could not contemplate without alarm the consequences which would follow if, at the instance of parties who had adopted the reprehensible system of personal solicitation, they proceeded to disturb a solemn decision of the court of last resort by the appointment of a Select Committee. It was impossible to take the estate from Robert Patrick; it was his by the law of England; and if Mr. Shedden could establish the prior marriage, for which a Parliamentary inquiry was not necessary, every privilege of legitimacy would belong to him, and he did not profess to want more. He would not be liable to the alien laws, he might sit in Parliament, and even hold the office of Chancellor; but he could not get the estate which belonged to another. The comparison of Mr. Shedden's marriage with Lord Eldon's was perfectly preposterous. There was no letter from the distinguished lady whom Lord Eldon married, stating that the second marriage was contracted to make her an honest woman and her children legitimate; but the letters of Mr. and Mrs. Shedden proved that they had only cohabited together, and that they knew their children were illegitimate. If he were to enter upon the merits, he might show that the merits were against the petitioner; but he had said enough to satisfy their Lordships that the law of the land had irrevocably given the estate to Mr. Patrick, and that no good whatever could arise from yielding to the prayer of the petition.

THE EARL OF EGLINTON said, he wished to touch only on that part of the case which concerned Mr. William Patrick, with whom he was acquainted, and whom he knew to be a man of irreproachable character. It appeared to him that his character had been most unfairly and cruelly attacked. The three brothers were charged with fraud. Of John he knew nothing. Of Dr. Robert he only knew that he was very much respected in his profession, that he was a surgeon in the army, and that he was afterwards appointed Surveyor General of Hospitals. Looking at the whole case, he could see no grounds for imputation upon Mr. William Patrick. Mr. William Patrick could do no otherwise than he did. Believing that Mr. Shedden had been living with a woman, and had had two children by her, and on his deathbed had married her, he took steps to raise the question whether such a marriage contracted in America would hold good in Scotland. It was decided by the Court of Session that the marriage did not legitimatize the children, and the decision was confirmed by appeal to the House of Lords. As it seemed to him, Mr. Patrick had done everything that an honourable man could do. Great stress was laid upon the affidavits of the prior marriage having been cut off from the certificate of the ecclesiastical marriage; but he had been informed by a noble Lord within the last few minutes that the affidavits were not cut off by Mr. William Patrick; that they were sent from America by Mrs. Vincent; that Mr. William Patrick sent them to his brother in America, stating his opinion that such documents must be forged. When such a fact was capable of being clearly and easily explained, it proved how unfair it was to asperse the character of a man of eighty-seven upon transactions which occurred many years ago. He was ready to admit that the position of Mr. Shedden was now very different from that which he occupied when the appeal was brought, and to give the benefit of his conviction that Mr. Shedden might consider himself legitimate.

THE EARL OF ALBEMARLE did not see how the Patrick family could be justified, except at the expense of the Shedden family, who, he thought, had been most cruelly treated. The witnesses in America swore that Mr. John Patrick was one of the greatest rogues that ever came from Scotland.

THE EARL OF EGLINTON had distinctly said he knew nothing of Mr. John Patrick.

THE EARL OF ALBEMARLE: He was

the associate of William in the conspiracy. But he would turn to transactions of William, which extended over a period of three years, when the Patricks were in the greatest state of poverty. The assistant surgeon had cost his father £500. The second son had drawn on his father for £600. The two demands together had such an effect on John Patrick, the father, that he was driven into a state of imbecility, and in that state he died. William, the subject of such eulogy, became the agent in the place of his father. In 1795 he (the Earl of Albemarle) found him agent to two young women named King for an estate in Ayrshire. The noble Earl was proceeding in his remarks—when

THE LORD CHANCELLOR said, he would put it to their Lordships whether the noble Earl could pursue the course he was taking. He (the Lord Chancellor) would be the last man in their Lordships' House to attempt to interrupt the course of a debate properly conducted; but he must say the licence in which some noble Lords had indulged that evening—charging as they did the grossest fraud in the most unmeasured language to persons who had no opportunity of answering them—would leave room to doubt the propriety of the attempt recently made in their Lordships' House to legalise the privilege of reporting their debates.

THE EARL OF ALBEMARLE said, he bowed to the correction of the noble and learned Lord on the woolsack, and would only further say that, after looking through the whole of the papers bearing on the subject under discussion, he thought it impossible for any one to read that evidence and not see that a great wrong had been committed. He had always understood that it was a maxim of our law that there was no wrong without a remedy; and, as he believed, that this was a wrong without a parallel, he hoped their Lordships would adopt the Motion of his noble Friend as a means of repairing it.

LORD LYTTELTON said, he was prepared to support the Motion of his noble Friend (Earl Grey), but he confessed the case was so complicated and was involved, not only in law, but also in Scotch law, that he could not hope to address the House with any confidence upon its merits. He would only, therefore, say that, as it had all along appeared to him, not on the general merits of the case, but on the single question whether their Lordships' House was misled and misinformed by fraudulent means, that there was a *primâ facie* case for inquiry, he thought that inquiry should be conducted by a Select Committee, as was now proposed.

LORD REDESDALE said, he had had the whole of this case brought before him in the strongest manner by the parties concerned, but he had kept himself free from expressing any opinion upon it. Having now, however, heard that night all that could be said on both sides, he confessed he could not but come to the conclusion that there was so much danger in opening a case of this sort, he did not feel justified in voting for the Motion of the noble Earl. At the same time, if it was true that there was no remedy for a party placed in the position of the petitioner in this case, and as other persons might hereafter be put in a similar position, he thought it was desirable that a remedy should be supplied, not by special, but by some general legislation.

EARL GREY, in reply, said, the noble and learned Lord on the woolsack, in calling his noble Friend (the Earl of Albemarle) to order, had expressed himself in a manner which he (Earl Grey) confessed had surprised him. The noble and learned Lord said, the turn which this debate had taken made him almost doubt the propriety of protecting the publication of their Lordships' debates, as had been recently suggested by a Member of their Lordships' House. As, however, his noble Friend (the Earl of Albemarle) was stopped before he got into the matter which the noble and learned Lord on the woolsack thought objectionable, he (Earl Grey) was bound to say he thought the interruption was made before occasion had been given for it. He must further say that when he was asked to state to their Lordships a case fraught with such great grievances as this, he felt himself bound to undertake the duty, and he still thought he had taken the right course in bringing it under the consideration of the House in the way he had done. If Mr. Patrick should suffer any damage from the accusations which had been made against him, let him meet the petitioner before a Select Committee, where his answer would be heard, and produce the documents which were at this moment in his custody. He (Earl Grey) could not help adverting to the manner in which the letter of Mr. John Patrick had been brought under the consideration of the House, in which he spoke of the petitioner's mother as a woman cohabiting with the petitioner's father, and so forth. Undoubtedly, if, as the petitioner alleged, this was a conspiracy against him, that was exactly the sort of letter which Mr. Patrick would have written; and if the petitioner could establish that what Mr. Patrick had stated with reference to his mother and to the relation in which he stood to his father was directly at variance with the testimony of witnesses of unimpeachable character, he (Earl Grey) thought that would be one of the strongest proofs of a conspiracy that their Lordships could have. On that point it so happened that the petitioner could produce the evidence of persons of the most respectable character, who were vouched for by the President of the United States, by the present American Minister in this country, and by the Protestant Bishop of New York; and those witnesses one and all said that of their own personal knowledge Mrs. Shedden lived as the wife of her husband, respected by all who knew her, and that there was never, so far as they knew, the slightest imputation cast upon her character, or upon her relations with her husband. His noble and learned Friend (Lord St. Leonards) had urged that the widow had not brought forward evidence of the prior marriage; but the fact was that her first communication to two respectable solicitors in Scotland enclosed affidavits with reference to both marriages. Those affidavits, however, were subsequently separated, and only that which related to the second marriage was adduced before the Court. He would venture to offer a few observations with respect to the mode of proceeding which, in his opinion, ought to be adopted. His noble Friend who had just spoken said that while he was not prepared to support the motion for the Committee he thought *primâ facie* grounds had been established for some redress, which, however, ought rather to be afforded by general legislation than by legislation applicable to the particular case of Mr. Shedden. He (Earl Grey) had, at the outset, expressed his opinion that the proper mode of redress would be by general legislation; and he asked for the appointment of a Committee as the only practicable means of obtaining such legislation. He admitted the practical difficulties of re-opening a case which had been judicially decided; but, although Mr. Shedden had been deprived of his estates, that was no reason why some steps should not be taken for removing the stigma affixed to the origin of Mr. Shedden, who was more anxious for the reputation than for the recovery of the state of his family.

Lord CAMPBELL inquired whether the noble Earl proposed to call witnesses and to inquire into the question of fraud before the Select Committee?

Earl GREY said, the course he would suggest was, that the Committee should examine the documents carefully and ascertain whether there was a *primâ facie* case of fraud; that they should call for certain very important papers which were in existence, but which the petitioner had not yet been able to obtain; and that if they thought those documents afforded *primâ facie* ground for the investigation of the matter by a court of justice they should recommend a measure which was calculated to open the doors of some court of law to Mr. Shedden.

Lord BROUGHAM observed that, from his recollection of the case, the question of fraud had been considered immaterial, for there was another ground which rendered any decision upon that point unnecessary.

On Question, that the said Petition be referred to a Select Committee, their Lordships *divided*:—Contents 11; Not-Contents 19: Majority 8.

Resolved in the *negative*.

Then the said Petition was ordered to lie on the table.

CONTENTS.

Manchester, D.
Albemarle, E. [*Teller.*]
Grey, E. [*Teller.*]
Talbot, E.
Dungannon, V.
Calthorpe, L.
Cloncurry, L.
Lyndhurst, L.
Lyttelton, L.
Sondes, L.
Truro, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)
Ailesbury, M.
Derby, E.
Fortescue, E.
Granville, E.
Eversley, V.
Ardrossan, L. (*E. Eglintoun.*)
Campbell, L.
Churchill, L.
Clements, L. (*E. Leitrim.*)
Foley, L. [*Teller.*]
Gray, L.
Leigh, L.
Monteagle of Brandon, L.
Panmure, L.
Polwarth, L.
Redesdale, L.
Rossie, L. (*L. Kinnaird.*) [*Teller.*]
Stanley of Alderley, L.

House adjourned at a quarter past Eleven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, June 8, 1857.

MINUTES.] PUBLIC BILLS.—1° Probates and Letters of Administration; Pimlico Improvements; Public Offices Extension; Sound Dues. 2° Oaths; Fraudulent Trustees, &c.; General Board of Health; Savings Banks (No. 2); Alehouse Licensing; Married Women's Reversionary Interest.

MORTMAIN—QUESTION.

MR. HADFIELD asked the Attorney General whether it is intended to bring in a Bill to amend the Mortmain laws in England, and to assimilate the laws there to those of Scotland and Ireland, and especially to give facilities to transactions for charitable institutions connected with real, leasehold, and copyhold estate, founded upon valuable consideration in money, rent, and otherwise, and whether the same be by way of purchase, mortgage, lease, or otherwise howsoever?

THE ATTORNEY GENERAL replied, that the Government were fully aware of the magnitude and importance of the subject, but they considered that they were not able to deal with it during the present Session with proper regard to its importance. With regard to the Bill referred to, the hon. and learned Member for Durham (Mr. Atherton) had last year introduced a Bill for the purpose of setting aside the present law. That hon. and learned Member had given notice of a similar Bill for the present Session. Last year he (the Attorney General) had given the hon. and learned Member all the assistance in his power, and he would give him the same assistance this year. Beyond this he could not go.

MR. HADFIELD: Will the Government support the Bill elsewhere if it should pass this House?

THE ATTORNEY GENERAL was understood to decline to answer that question.

CIVIL SERVICE SUPERANNUATION ACT. QUESTION.

MR. DANIEL O'CONNELL asked the Chancellor of the Exchequer when the Government will bring in the Bill for the amendment of the Civil Service Superannuation Act?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the question with regard to the Civil Service Superannuation Bill is one of great magnitude and difficulty, and the Report lately presented by the Committee is now under the consideration of Her Majesty's Government. I cannot say that we have come to a decision to introduce a Bill, but I ought to add that the Committee of this House last year recommended that certain questions should be proposed to actuaries with a view of determining how far the claim of the Civil Service with respect to an abatement of their payments was founded in equity, and how far they have ground of complaint that they have not received an equivalent for what they have already paid. The Treasury called the attention of the Civil Service Commissioners to that subject, and the Commissioners recommended that the inquiry should be pursued. The Commissioners communicated with the actuaries, and the actuaries have called for a mass of information from the different departments, but have not yet made a Report on the subject. The Commissioners have promised to give the Report of the actuaries in a supplementary Report, which we have not yet received, and therefore the subject has not yet been considered by the Government.

GREENWICH HOSPITAL.—QUESTION.

SIR GEORGE PECHELL inquired of the Secretary to the Treasury whether the case of certain naval officers of Greenwich Hospital has been favourably considered, and which was referred to the Treasury by the Board of Admiralty, praying they might be placed in the same position with regard to the receipt of half-pay as other officers of that establishment.

MR. WILSON said, that the subject alluded to by the hon. and gallant Member for Brighton was one of great importance to the service, and required a very considerable amount of deliberation. The rule both in the army and navy was that whenever an officer took any civil employment his half-pay was suspended during the time he was so occupied. There were, no doubt, exceptions to that rule, and the Governor and Deputy Governor of Greenwich Hospital were exceptions to the rule: [Sir G. PECHELL: "And the Commissioners of Greenwich Hospital"]; but it was to be borne in mind that greater responsibility attached to the Governor and Deputy Governor than to the officers in question. It was true that the military officers of Chelsea Hospital drew their half-pay as well as their salaries, but the salaries of the officers of Greenwich Hospital were much larger than those of the corresponding officers of Chelsea Hospital. The salary of the four captains of Greenwich Hospital was £400 a year; their total present emoluments were £620, and their half-pay, if granted, would be £264 in addition. The salary of the four Commanders was £300, and of the ten lieutenants and masters £230, but their total present emoluments, independent of half-pay, were £503 and £398 respectively. With regard to the officers at Chelsea, the salary of the major was £350, and of the adjutant £200, while the salary of the three captains and three lieutenants was only £63, against the £230 received by the lieutenants and masters at Greenwich; so that if the half-pay of the Chelsea officers were added to their salary their whole emoluments would not be found to amount to so much as the civil pay, without half-pay, of the officers of Greenwich Hospital. The Government were of opinion that to make an exception in the case of these officers would be to open a wide door to similar applications, and they were, therefore, not prepared to make so great an exception to the general rule.

MUNICIPAL BOUNDARIES (SCOTLAND).

QUESTION.

Mr. BAXTER wished to know whether the Lord Advocate intended this Session to introduce a permissive Bill providing for the extension of the municipal boundaries of burghs in Scotland.

The LORD ADVOCATE: The Government are prepared with a Bill, and I hope it will pass this Session.

HARBOURS OF THE UNITED KINGDOM.

QUESTION.

Mr. BAXTER asked the Secretary of the Treasury when he intended to move for the Select Committee to inquire into the harbours of the United Kingdom?

Mr. WILSON: I will do so early next week.

POSTAL COMMUNICATION WITH AUSTRALIA—QUESTION.

Mr. ADDERLEY asked the Secretary to the Treasury whether any and what arrangement has been made for the transmission of mails to and from the Australian Colonies, including the branch services to South Australia, Van Diemen's Land, and New Zealand; and, if not, what steps are being taken by Her Majesty's Government towards completing the same?

Mr. WILSON said, it would, doubtless, be in the recollection of the House that a contract had been entered into for the purpose of maintaining a monthly postal service between this country and Australia. That contract had come into operation in the month of August last, and it had been in full operation ever since, to the perfect satisfaction of the Government. The plan included an arrangement by which a branch mail should be established between Melbourne and Tasmania, on the one hand; and between Melbourne and New Zealand on the other; and orders had been sent out to the local authorities to make arrangements accordingly. The Government, however, had reason to believe, from information which they had received about a month since, that there had been some misunderstanding with regard to the branch mails between Melbourne and New Zealand. The authorities there imagined that no arrangement had been made with regard to those branch mails; but long before those representations were received instructions had gone out, and the necessary arrangements for the branch mails must by this time be made.

THE TROOPS AT THE CAPE.

QUESTION.

Major STUART WORTLEY asked when, without in any way lessening the force at the Cape of Good Hope, it is the intention of Government to remove the 6th, 45th, and 73rd Regiments, whose period of colonial service had expired some time, and to replace those regiments with three others?

Viscount PALMERSTON: I think the hon. and gallant Gentleman will remember that this question was fully answered upon a former occasion by my hon. Friend the Under Secretary for the War Department, who stated that no doubt the regular time of service of those regiments at the Cape had expired, but that the public exigencies required their detention at that station beyond the usual period. I would submit to the hon. and gallant Gentleman that it is hardly to be expected that the Government should state in this House their intentions with respect to the moving of this or that regiment from this or that station. It is very natural that the friends of the officers belonging to those three regiments should like to know when they may be expected home, but still the settlement of such matters must be left wholly to the discretion of the responsible department.

STATUTE LAW COMMISSION.
QUESTION.

MR. WARREN asked the First Lord of the Treasury whether any and what steps have been taken by the Government towards carrying out the recommendations contained in the last Report of the Statute Law Commission, and the views of the several witnesses examined before the Committee of this House, appointed to consider the propositions in that Report; and whether an officer with a competent staff has been appointed, as proposed by the said Committee, for the purpose of attending to all Bills referred to that officer, and reporting exactly to Parliament the state of the existing law, and how it would be affected by the proposed alterations, and especially after a Bill has passed through a Committee to examine it and report immediately to the House what has been done by the Committee, and whether that Committee is to be reappointed?

MR. BAINES, in reply, said the Select Committee to which the hon. and learned Gentleman alluded had been appointed last Session for the purpose of considering the recommendations of the Statute Law Commission as to how far the adoption of such recommendations was advisable. He (Mr. Baines) had the honour of being chairman of that Committee. They examined a number of witnesses, from some of whom they obtained much valuable and instructive information. But when the dissolution of the late Parliament was determined upon, they had not completed their inquiry. They therefore made no recommendation, but simply reported the nature of the evidence they had received. He begged further to state that the Government, after mature consideration, did not think it advisable to renew that Committee again in the present Session, because, in the first place, there was a great number of Members who had given great attention to the subject, and whose assistance in the prosecution was most valuable, but who were already fully engaged upon other Committees; and in the next place, because of the great number of Committees that must be appointed upon election petitions and other matters. Under such circumstances, the Government thought it impossible to enlist in the present Session the assistance of those who were best qualified for the prosecution of such an inquiry as the one in question. There was a further reason for their coming to that Resolution—namely, the fact mentioned by the noble Lord at the head of the Government the other night, when he said that Her Majesty's Ministers had under their consideration the question relative to the establishment of the department of a Minister of Justice. If such a measure were ultimately determined upon, the supervision of current legislation, with a view to its correction and improvement, would doubtless be included in the functions of the proposed department. For those reasons, therefore, it was not the intention of the Government to renew the Committee referred to.

On Motion, That the House go into a Committee of Supply,

CIVIL SERVICE EXAMINATIONS.
OBSERVATIONS.

VISCOUNT GODERICH was understood to say that, as the Secretary for the Treasury had given notice of his intention to go into Supply on the Civil Service Estimates to-night, he was anxious to call the attention of the House to the last Report of the Civil Service Commissioners, and to the present system of admission to the Civil Service. It would be recollected that last year he submitted a Motion to the House for an Address to the Crown on the subject of competitive examinations, which was adopted upon a division. In consequence of a rule of the House, however, which required that a Motion, involving a charge upon the revenue, should be submitted in Committee, it was necessary to take further proceedings, and the matter was consequently postponed; and when in July last he again brought the question before the House, and moved that Mr. Speaker do leave the chair, the Chancellor of the Exchequer rose and made a statement, which was felt by him (Viscount Goderich) and other hon. Members interested in the question, to be of so satisfactory a nature with regard to the intentions of the Government that he had consented to abandon further proceedings in respect to the Address he had moved, and to leave the matter in the hands of the Government, reserving to himself the full right to bring the question again before the House of Commons, if the Government did not realize the hopes then held out. The Government had not wholly redeemed the pledge which they gave last year, and therefore he now availed himself of the right which he had reserved. It might perhaps be convenient if he stated the principle and objects of the Motion which had been adopted last year. The object of the Address was:—First, to express the thanks of the House to Her Majesty for the adoption of a system of examination for admission to the Civil Service under an Order in Council of May, 1855, and further to convey to Her Majesty the sense of the House that that system would be improved if the principle of competition were extended and more largely applied. It was thought that the principle of open competition should be extended on three grounds. First, because it was calculated to raise the standard and efficiency of persons employed in the Civil Service; secondly, because it would put an end, as far as it was possible, to the system of appointments to the Civil Service being generally made through the influence of Members of that House, which, as the evidence contained in the first Report of the Civil Service Commissioners last year showed, had, before the Order in Council of 1855, worked extremely ill; and, thirdly, because of the effect which the adoption of a system of competitive examination would be likely to have on education in England, for as there was little hope that direct legislation on the subject of education would be adopted by that House, it was believed that such a system would tend more than any other indirect encouragement to raise the standard of education throughout the country. He was sorry to see that the Report of the Civil Service Commissioners did not show that the hopes which had been held out by the Government had been realized. He would state the language used by his right hon. Friend, on the faith of which he had withdrawn his Motion last year. His right hon. Friend said, and truly said, that offices in the Civil Service might be divided into three classes—first, those consisting of clerkships in the principal offices of State; secondly, clerkships in the Revenue Departments, which were not filled up by their heads but by the Secretary of the Treasury; and, thirdly, the lower appointments, such as tide-waiters, postmasters, &c. With regard to each of these classes, his right hon. Friend told the House the intentions of the Government. With regard to the first, he is reported to have said—

> "The plan at present adopted in reference to the superior departments of the Government—such as those of the Secretaries of State and the Treasury, was that, whenever a vacancy occurred, several candidates were selected by the head of the department, and subjected to competitive examination, to determine who was the fittest person to fill the vacancy."

That was the language of his right hon. Friend; but the plan had not, as he should show, been generally adopted. With regard to clerkships in the Revenue Department, his right hon. Friend used this language:—

> "There was, besides, an intermediate class, and he very willingly admitted that the principle advocated by his noble Friend had great recommendations in respect to that class, comprising, as it did, many persons in the superior branch of the Revenue Department, and clerks nominated by the Treasury. With respect to the Secretary of the Treasury, that officer not being the head of the department for which his nominations were made, was not interested to the same extent as the head would be in obtaining efficient servants, therefore that class of appointments required some additional security to that which now existed."

On the general subject of competition his right hon. Friend had said:—

> "He quite admitted, however, that experience was in favour of the principle recommended by his noble Friend, and it would be the study of the Government, by gradual means, by feeling their way as they advanced, by avoiding those difficulties the existence of which experience might point out, to give as much extension as could with safety and propriety be done to the principle advocated by his noble Friend."

He (Lord Goderich) was perfectly content after those assurances to leave the matter in the hands of his right hon. Friend. Having withdrawn his Motion in consequence of that speech, he had looked with great interest at the second Report of the Civil Commissioners, and he rose from it with a feeling of disappointment, for there was no evidence of any advance since last year, when the first Report was published on the subject. He would state what the actual results had been. From the first establishment of the system in May, 1855, down to the 14th of February last, the latest date of the Report, certificates of competency had been granted to 1,906 candidates, 898 upon London examinations, 907 upon provincial examinations, and 101 on reports from heads of departments. The number of certificates refused was 956—namely, 499 upon London examinations, and 457 on provincial examinations, making the admissions to examinations in the proportion of one to three. He would then compare the number of competitive examinations which had taken place in the period from May, 1855, to March, 1856, with the period embraced in the last Report. In the first period there had been a competition for fifty-eight situations, for which 175 candidates competed; while in the latter there had been only fifty-one situations competed for, and 158 candidates contended for them. He had hoped to see that principle of limited competition which had been so successfully adopted by the Secretary of State for the Colonies, and to the beneficial results of which he bore last year such satisfactory testimony, extended to other Government offices. At the period of discussion last year that principle had been adopted partially in the Audit-office, in the office of the Chief Secretary of Ireland, in the Education-office, in the Colonial-office, in the Treasury and War departments, and in the office of the Civil Service Commissioners themselves. Since that time it had been extended to only two other departments — it had been adopted partially at the Home-office and entirely in the Public Works-office. No attempt that he could discover had yet been made to introduce it into the departments of the Admiralty, the Exchequer, the Foreign-office, the India Board, the Board of Trade, or the Post-office; and no effort whatever had been made to alter the manner by which the patronage vested in the right hon. Gentleman the Member for Wells (Mr. Hayter) was distributed. When he withdrew his Motion last year he did not expect that the result of the speech of his right hon. Friend would have been so small. In the Inland Revenue Department there had been 121 candidates, of whom 103 had been examined; of these fifty-six had been successful, and forty-eight had been rejected. In the Customs exactly the same thing had happened, except that the proportion of successful candidates was one in three instead of one in two, while in neither of these departments had there been a single competition for clerkships. He had such confidence in the Chancellor of the Exchequer, and his intention of carrying out his promises, that he had taken this opportunity of bringing the subject forward, and of asking his right hon. Friend for an explanation, instead of making a direct Motion; and he still hoped that, in spite of the discouraging blue-book which the Civil Service Commissioners had this year laid before Parliament, the system of competition would be more fully introduced into the Government offices. The Civil Service Commissioners had given the strongest evidence in favour of the adoption of a reasonable system of competition, and had shown also that where it had been applied it had been eminently successful. It was sometimes said that the only result of the system would be to introduce into the Civil Service a class of persons who would be above their work. The Commissioners, however, reported most favourably of the merits of gentlemen who had been appointed to clerkships by the method of competition. They had stated, as the result of an examination for four clerkships in their own office, as follows—

> "The facts which we thus bring forward, with relation to the competition for clerkships in this office, are intended to show that if opportunities were more easily and generally afforded than at present to persons to compete for situations of the like character, a highly-instructed class of industrious young men would present themselves as candidates. We must add, in justice to the four gentlemen who received appointments in this office, as the consequence of their success in the competition we have described, that they have passed the period of probation to our entire satisfaction, and have proved themselves to possess aptitude for official duties, and most creditable habits of regularity and industry."

And he had no doubt the Secretary for the Colonies, if he spoke in that debate, would say that he had no reason to be dissatisfied with the system he had adopted. The greatest interest was manifested in this subject out of doors, and the greatest desire was felt by the public, as well as by those who were engaged in the work of education, that the system of competition should be more largely adopted. The hon. Member for Derby (Mr. Bass) asked a question the other night about it in consequence of the large number of letters which he had received. He (Viscount Goderich) had received a letter from Mr. Buckmaster, one of the Society of Arts' examiners of members of mechanics' institutes, in which he stated strongly an opinion that examination for officers in the civil service would raise the standard of education. That gentleman had classes of young men under his care, who attended those classes and educated themselves in the hope of gaining admission to the civil service; and he stated also that the great success of the examinations of the Society of Arts was the result of the Motion made last year, and the speech of the Chancellor of the Exchequer, which led to the belief that a system of competition would be largely adopted, and that the persons who were successful at these examinations would be able to make the knowledge they had acquired useful to them in obtaining service under the Crown. As the evidence of the Civil Service Commissioners was in favour of a system of competition, and the feeling of the public was in favour of a similar course, he (Viscount Goderich) felt great confidence that the House would not think he had unnecessarily occupied their time by drawing attention to the subject. He had no desire to urge the Government to adopt hastily any very extended system of this kind; all he urged was that they should not stand still, and, above all, not go back. If the right hon. Gentleman would say that the system adopted in the Colonial-office would be extended to other departments of a similar kind within a reasonable time, and if the Government would try the experiment of open competition in such offices as clerkships in the Revenue department, they would be able to make that experiment without risk and on a sufficiently large scale. Just to show to what a number of situations that system might be applied, he need only state that since May, 1855, the Secretary to the Treasury had nominated to 240 situations of this kind, making twelve or thirteen a month during nineteen months. Supposing that four or five persons had competed for each of those situations during the time embraced in this calculation, some fifty or sixty persons per month would have been trying to secure them, and the effect of such a competition upon the education of the country it was impossible to overestimate. He had every wish to leave the question in the hands of the Government, and if the Chancellor of the Exchequer would show him that he would really carry out the system, he would not be inclined to refuse him longer time in which to do it. If, however, the right hon. Gentleman could give no such assurance—if he had been overruled by others, and was unable to persevere in the course he had sketched out, he (Lord Goderich) must reserve to himself the right to appeal from that altered decision on the part of the Government to the opinion of the House of Commons. He trusted, however, that the right hon. Gentleman would relieve him from the necessity of taking any further steps in the present Session of Parliament, and that he would state explicitly what were the intentions of the Government on the subject, so that those persons who were desirous of seeing the system of competition fairly tried might know clearly what they had to expect and to rely on. He begged to add one word to express his high sense of the zeal and ability exhibited by the Civil Service Commissioners in the performance of their duty.

Mr. BASS said, that before the right hon. Gentleman answered the question of the noble Lord, he wished to recall to his mind the short conversation which took place between him (Mr. Bass) and the right hon. Gentleman the other afternoon. On that occasion the right hon. Gentleman had, in answer to a question he had put, referred him to the Order of Her Majesty and to the first and second Reports of the Civil Service Commissioners; but having carefully perused those documents, he (Mr. Bass) must say that he could not find a single word on the interesting point on which he had put his question. What he desired to know was, who it was that had the power of nominating or recommending such persons as were ultimately selected for examinations for offices in the Civil Service. No explanation was given on that subject in the documents to which the Chancellor of the Exchequer had referred him. If, as he feared, we were in the same condition as formerly with regard to the nomination or recommendation of candidates for the Civil Service, then he thought that neither had the public the opportunity of getting the best servants who could be procured, nor had the most efficient men throughout the country such a reasonable chance of getting employment as their merits entitled them to. The noble Lord had shown that in the last year little progress had been made in the competitive system; but as regarded nominations and recommendations, the House ought to know from the right hon. Gentleman how they were obtained—whether they were obtained as formerly, or whether the public had better access to the public service than was formerly the case.

Mr. RICH was glad this subject had fallen into the hands of the noble Lord (Viscount Goderich) who had fully stated the case; but he (Mr. Rich) could not agree with the noble Lord's declaration, that he would rest satisfied with an assurance from the Chancellor of the Exchequer that this subject would meet with the consideration of the Government. For himself, however, he owned that, highly as he estimated the integrity and the earnestness of his right hon. Friend, yet, looking at the blue-book before the House, he felt there must be some insuperable obstacles in the way of the Chancellor of the Exchequer, which prevented him from practically adopting the doctrines which he expressed himself last year as anxious to carry out. He would not quote the language of the Government, in which they pledged themselves to adopt open competition generally in the Inland Revenue, in the Customs, and in the Post Office, and in which they stated their desire that the competition should be shared in by such a number of candidates as would make it a real competition; but he should confine himself to a comparison between the number of competitions which took place in the first six months of 1856, before the pledge had been given by the Government, and the number which took place after the pledge had been given. He found from the blue-book that in the case of 376 vacancies which had occurred last year in clerkships and offices of higher importance sixty-six appointments had been given away on competition, but of that number forty-three had been given in the first six months, and only twenty-three in the last six months of 1856. There were no dates to the 310 appointments which had been given on nomination, so that he could not say which of them had been made before the 1st of July, and which after. It was possible that a greater number of vacancies had occurred in the first six months than in the last six months, but he found nothing to induce him to come to such a conclusion. It was clear, however, from the figures he had quoted, that forty per cent. fewer appointments on competition had taken place after the pledge of the Government to promote competition than before. He found, moreover, that in the first six months of last year the average number of persons nominated to compete for each appointment was four and-a-half, while in the last six months the average number was three, and of those three thus nominated only two and a half actually submitted to examination. Could any examinations be properly termed competitive in which an average of only two persons and a fraction contended for an appointment? A stronger fact than either of these was, that out of 210 vacancies which occurred in the Customs in the year 1856, only two were given away upon competition, and for those two places, just two persons competed, and even one of these could not pass. Among the facts recorded in the blue-book he found it stated that in the Civil Service Commissioners Office three clerkships of £100 a year each, rising by an increase of £10 per annum to £200, and another of £200 a year, rising by an increase of £15 per annum to £300 a year, fell vacant. These situations were not submitted to purely open competition, but the Commissioners mentioned the fact of the vacancies to two or three heads of colleges and schools, and to a few persons interested in competitive examinations. In a very short time forty-six gentlemen presented themselves for examination, two of whom were rejected on grounds irrespective of their mental qualifications. The House had been told that the Civil Service was so unpopular that they could not get persons to enter it; but who, he asked, were the forty-four gentlemen who competed for those situations? Several of them were the sons of clergymen, seven or eight were the sons of private gentlemen, three or four were the sons of colonial judges and police magistrates, and the others were the sons of professors and professional men; the whole of them were well educated, twenty-five of them having been educated at Cambridge, Oxford, Trinity College Dublin, or the London University, while many of the others were studying or had completed their studies at Eton, Durham, the collegiate schools attached to the University of London, at Exeter, at Tunbridge, or other noted educational establishments. Some few of those gentlemen of course failed; but the first twenty proved their ability in ancient and modern history, in ancient and modern languages, in mixed and pure mathematics, and in other matters which showed a sound and liberal education; while the four who succeeded obtained seventy per cent. of the marks, the possession of one hundred of which would indicate perfection, and exhibited great proficiency in Latin and Greek—one in Hebrew—in mixed and pure mathematics, in book-keeping, in ancient and modern history, in short hand, and in other acquirements. With these strong facts before them of unfulfilled pledges on the one hand, and of the easy and successful operation of competition, when honestly undertaken, the House had a right to require from the Government, not an assurance that they would carry out the plan according to the pledge which they had given, but some explanation of what had occurred, for otherwise they must believe that the system, instead of being accelerated, had been retarded. Independently of the important subject which his noble Friend (Lord Goderich) had pressed upon their attention, it was the bounden duty of the Government to keep clear and distinct faith with the House, and to observe every pledge that they made.

MR. MALINS said, that some time ago a young gentleman, who was very anxious to submit himself to a competitive examination for a civil appointment, had called upon him and asked him to give him a nomination. He (Mr. Malins) could not understand what necessity there was for a nomination as the examination was open to the whole world, and this he told the young gentleman. "Oh!" said he, "any Member can nominate." He (Mr. Malins) told him that he knew nothing about such a power, but that he conceived that any nomination which he could give him would only amount to a representation on his part that he was a person of respectability. However, he gave to the young gentleman what he called a "nomination." In a few days the young man called on him again, and said that it had been of no use whatever—just as he had expected— and he asked him to ascertain how he was to get a nomination. Now, that was just one of the things that was beyond his (Mr. Malin's) comprehension. He did not understand, then, he never had understood, and he didn't understand now, how to put that young man in the way of getting a nomination. But if these examinations for Civil Service appointments were really competitive—if they were open to all the world, what, he wanted to know, did the "right of nomination" mean? If the nomination, however, were a Government job—if it meant that without Government influence, followed by an examination, no one could be appointed, he could perfectly comprehend the matter. But if such were the case, they had better declare at once that these examinations were not open to all the world, that there was no such thing as competition, that patronage was to be all paramount, and that the highest ability would be of no avail unless accompanied by Government influence. He hoped they should hear that this restriction would be removed, and that those who desired to submit themselves to examination might be able to do so without meeting with those difficulties now thrown in the way.

THE CHANCELLOR OF THE EXCHEQUER: The hon. and learned Member for Wallingford (Mr. Malins) is so accomplished a lawyer, and is so well acquainted with all the branches of our civil jurisprudence, and is so conversant with all Acts of Parliament, and the whole of our law, that I confess it is highly improbable that I should be able to give him any information on a matter lying so much within his own peculiar knowledge. The Order in Council issued about two years ago, regulating the examinations for admission to the Civil Service, made no alteration in the power of the Crown with respect to nominations for that service. Motions were made, when the Order in Council was issued, proposing that all situations in the Civil Service in the gift of the Crown should be laid open to public competition, and it was explained that such was not the effect of the Order in Council, but that the power of nomination vested in the Crown remained untouched by that Order. The hon. and learned Gentleman must be aware that the nomination to places in the Civil Service in the different administrative departments is part of the prerogative of the Crown, as well as the fixing of the amount of salaries, those salaries being subsequently voted by this House. With respect to certain of the principal departments of the Government, such as the offices of the Secretaries of State, the Admiralty, and other chief offices, the immediate nomination is by usage vested in the head of the department. With respect to all other offices, such as those in the revenue departments, the Audit Board, and others similarly situated, the nomination rests with the head of the Government for the time being. That is the usage with respect to the Civil Service, and I confess that I should have thought the hon. and learned Gentleman would not have required any information from me on such a point. This statement, I believe, will also furnish an answer to the question put to me by the hon. Member for Derby (Mr. Bass). A few days ago that hon. Gentleman put a question to me, and I referred him—as constituting the best source of information—to the Reports of the Civil Service Commissioners and to the Order in Council on the subject. He would there find that the former law and practice of the country had not undergone any alteration. I have on former occasions expressed my opinion that it would not be desirable, with reference to the efficiency of the Civil Service, that the clerkships and the different subordinate employments in the administrative departments should be thrown open to public competition. The throwing them open was a proposal which at one time was received with favour by the public at large, but the Government, after carefully considering the matter, arrived at the conclusion that such was not an expedient mode of filling up the vacancies in the Civil Service. What they did propose was, that all persons who entered the Civil Service should be subject to examination with the view of testing their efficiency. That examination has been conducted by very competent persons, and the result of the system is embodied in the two Reports on the table of the House. It has been stated by my hon. Friend the Member for Richmond (Mr. Rich) that the course which the Government has pursued has been a retrogressive one, and that they have lost a portion of the advances which they at one time made. I will come presently to the question of competition; but with respect to the execution of the Order in Council in reference to the examinations of candidates for the Civil Service, there has been no retrogression and no flagging, but the system has been enforced with the utmost strictness and regularity, according to the intent and effect of the original order. If hon. Members refer to the statements contained in the Second Report of the Commissioners they will find the number of examinations, and also the number of rejections, which latter in the first year was twenty-nine per cent, and in the second year thirty-eight per cent, showing that the examinations had increased rather than diminished in strictness, and that the system adopted for trying the qualifications of candidates is a real and efficient test. This observation will apply to the whole of the system established by the Order in Council. The Government not only never professed any intention to introduce the system of open competition—that system to which the hon. and learned Member for Wallingford refers, and to which, I presume, the Gentleman who applied to him also referred—but on every occasion on which the question was debated in this House stated in the most distinct manner their objection to that system, and their intention not to give it a trial. It appears to me that the real practical matter at issue between my noble Friend, when he brought forward Motions on the subject, and the Government was—as to what extent the plan of voluntary competition among a limited number of candidates, selected by the heads of Departments, or by the head of the Government, should be carried. That has nothing to do with the question of nomination or recommendation by any hon. Member of this House, or by any member of the Government. What I stated last year, to the best of my recollection, was, that it did not appear to me that the system of competition could be applied with advantage to that class of officers in the Civil Service who performed, for the most part, mere mechanical duties, such as the duties of watching, guarding, and those of trust; that the number of those was considerable; that the difficulty of bringing them all to London, or to some one central place, to be examined, would be very great; and that I did not see any likelihood of advantage resulting from officers of that class being subjected to examination. I also stated that, with respect to clerks and other officers of whom a liberal education was expected, and who had to perform duties which could only be discharged by persons receiving a liberal education, a competitive examination, among a limited number of candidates, chosen by heads of Departments, was, on the whole, most conducive to the public service. I do not know that my noble Friend at the head of the Government could give stronger evidence of his concurrence in that opinion than by conferring all the appointments in the Treasury on that principle, and if the hon. Member refers to the blue-book, he will find that the vacancies have been so filled up, and the result has shown that the principle had worked in the most advantageous manner. With respect to the diminished number of competitive examinations in the last part of the year, I was not aware of that fact, and can only say that it must have arisen from some accidental diminution in the number of vacancies. The real question is, what is the number of offices in which that system is adopted? As far as I know, it is adopted in the Treasury, in the War Department, in the Home Department, and in the Colonial Department. It is also adopted in the Board of Trade. [An hon. MEMBER: Not the Board of Trade.] I may be mistaken. I understand now that it is not adopted in the Board of Trade. Well, it is adopted in the Board of Works, and in three out of the four offices of Secretary of State. I believe also that, on some occasions, it is adopted by the Admiralty. This statement shows that the heads of Departments have voluntarily adopted that principle in filling up vacancies. My noble Friend at the head of the Government, looking to the short time during which the system had been in existence, had not felt himself justified by a mere act of the executive Government to make it compulsory on the heads of Departments to follow this system, but it has been recommended by the practice of the Treasury, and a majority of the other superior Departments. I can only repeat my belief that this mode of filling up vacancies will give you the choice of candidates best qualified for the public service, and most likely to discharge their duties in a satisfactory manner. I regret that it is not in my power to state that the Government, at the present moment, have any further intentions than to express an opinion in favour of that system. I can not say that they intend to lay down any inflexible rule on the subject, to depart from the present frame of the Order in Council, or to render it necessary that there shall, in any instance, be competitive examinations when the head of the Department himself entertains objections to that course. I trust, however, that on the whole, the manner in which these appointments have been filled up has been satisfactory as regards the efficiency of the public service; and, for my own part, taking a general view of the subject, I have come to the conclusion that a great and important progress has been made with regard to the admission of persons to the service of the State, and that we have entered upon a course which will tend in its results to increase the efficiency of the public service.

COLONEL SYKES said, that he wished, as one who had taken considerable interest in the subject, to express his thorough conviction that, if the Government were earnest and sincere in their desire to promote the intellectual advancement of the middle and lower classes, they ought to place at the disposal of the public a certain portion of the patronage of the heads of Departments, or allot to the examiners of the society of Arts or other trustworthy bodies, some of the minor offices. The system of examination after nomination confined the competition to a very small and selected circle, and consequently it did not become generally known that any such competition was going on, and thus the proposed system became perfectly ineffective in its operation. It was absurd to say that the smallness of the salaries—£50, £60, or £100 a year—would limit the number of competitors, for he had had opportunities of knowing cases in which salaries of no greater amount had been competed for by lieutenant colonels on half pay, so that it was not probable that there would be any dearth of competitors on account of the lowness of the salaries.

MR. W. VANSITTART wished to know on what ground persons were nominated to compete for these positions?

THE CHANCELLOR OF THE EXCHEQUER: Upon the ground of efficiency.

THE ITALIAN LEGION AND THE ARGENTINE REPUBLIC—QUESTION.

MR. MONCKTON MILNES said, he wished to put a question to Her Majesty's Government respecting the engagement entered into with the Argentine Confederation for the reception and employment of a certain number of the officers and soldiers of the Italian Legion; and to ask whether the authorities of the Argentine Confederation have adhered to the stipulations of that agreement. At the close of the late war, as the House was aware, offers had been made by the Government to the foreign troops who had enlisted in the service of this country to convey them to Canada or the Cape of Good Hope. A promise, however, had been held out to the soldiers of the Italian Legion that they should be conveyed to a station on the river Parana, and documents, which reminded him of the late George Robins, were circulated amongst them, under the authority of the Argentine Confederation and of Her Majesty's Government. It offered them advantages which it was fearful to contemplate. They were told that in the territory of the Argentine Republic they would find a beautiful climate, a country which would produce every fruit, where ice was unknown, where the best species of mutton and beef sold for only 1*d.* a pound, where the women were remarkably handsome and very industrious, and where many of them wanted husbands. It was then stated that the men on arriving out in South America would be established on the banks of the Parana, where they were to receive a very large territory, for which they were to pay only a moderate rent to the Government. A large number of officers and soldiers accepted those inducements, and were sent out by the War Office. He had been informed, however, that the engagement entered into with those persons had not been adhered to. They had not been conveyed to the banks of the Parana, but had been landed elsewhere against their will, without the means of arriving at the place of their destination, while other parts of the agreement, with reference to supplying them with money and food, had not been carried into effect. At the present moment those poor fellows were wandering about the country in a state of destitution, instead of having, as they were promised, the means of gaining an honest and sufficient subsistence. He thought that when this country enlisted foreign soldiers it was bound, when their services were no longer necessary, to see them placed in a proper position, and for that reason he had felt bound to endeavour to elicit some explanation from the Government upon the subject.

Sir JOHN RAMSDEN said, that he thought the explanations he was about to offer would satisfy the House that there had been no breach of faith either on the part of the Government or on the part of the Argentine Confederation. The state of the case was this—when the war was concluded the Italian Legion was disbanded at Malta, and a great part of them returned home. The remainder of them, however, amounting to about 1,050 men, were not allowed to do so, and they were brought over to England, in order that they might avail themselves of the proposal to convey them either to Canada or to the Cape of Good Hope. Shortly after their arrival negotiations were entered into with their respective Governments, and about 700 of those men were permitted to return to Italy, while 350 were left in this country. At that time there happened to be in this country an agent of the Argentine Confederation, whose duty it was to obtain emigrants to settle in the Argentine territories, and he, hearing that these men were to be sent to one of the colonies, applied to the Government to enter into negotiations, with the view of inducing those men to emigrate to the Argentine territory. The Government thought it undesirable that they should be a party to any such transaction, and they therefore referred the Argentine agent to the men themselves, saying that they would be willing to give them a free passage if they agreed to accept the terms which might be proposed to them. The terms offered by the Argentine agent were accepted without any interference on the part of the Government. The only step taken by the Government was to give them a free passage, and the gratuity of one year's pay. The men went out in two vessels, the first of which arrived at Parana, where the men disembarked. They found, however, that the rate of wages was extremely high, averaging for unskilled labourers from 4*s*. to 5*s*. a day, and, finding that they could obtain so much, the pay which had been promised them being, in addition to a grant of twenty-eight acres of land. only 6*d*. a day during the first year, 4*d*. during the second, and 2*d*. during the third, applied to the Argentine Republic to be released from the terms which they had originally accepted; and that Government having complied with their request, two-thirds of them were released, while the remaining third determined to go and see the place where it had been intended that they should be located; but on arriving there they found that it was further off than they had expected, and they therefore applied to be allowed to return to Parana to be dismissed. The Argentine Government complied with their request, and they were now at liberty at Parana. In the case of the remaining men, as soon as the ship in which they had embarked had touched at Montevideo, some of them had gone on shore, and, finding that the price of labour there was the same as at Parana, they had refused to go any further, and at once demanded their liberty. Their request, of course, had been immediately complied with, and they had them released from the stipulations into which they had entered entirely of their own accord, and not owing to any compulsion upon the part of the Argentine government. He had lately seen a letter which was written by an English Gentleman, who had lived for a great many years in the territories of the Argentine Confederation, where he made his fortune, and from that letter he had ascertained that the rate of wages in those territories averaged from 4*s*. to 5*s*. a day, while the best meat could be procured at the rate of a halfpenny per pound. Under these circumstances he did not think the men were by any means to be pitied.

THE OATHS BILL.—NOTICE.

SIR FREDERIC THESIGER said, he was anxious, for the convenience of hon. Members, to inform the House what was the course which he proposed to pursue in reference to this Bill. Acting in accordance with the statement which he had upon a previous occasion made, he had abstained from offering any opposition to its second reading, but, as he feared from the cheers which had followed the passing of the Bill through that stage that some misapprehension as to his intentions in relation to the future progress of the measure might prevail, he should beg leave to give notice that he should in Committee propose at the end of the new oath to add the words,—

"And I do make this promise, renunciation, abjuration, and declaration, heartily, willingly, and truly, on the true faith of a Christian."

ALDERSHOT.—OBSERVATIONS.

SIR FREDERICK SMITH said, that in the discussion which had taken place with respect to Aldershot a few evenings before, several statements as to the employment of the men in pitching their tents and other matters had been made at variance with those to which he had given expression. Now, as he had occupied the position of second officer in command at that camp, he had deemed it to be his duty, in order to set matters in their true light, to write to its present commander, General Knollys, in order to obtain all the information bearing upon the point. He had received that morning, in reply to his communication, the following letter, which he thought would satisfy the House that many of the statements to which he had adverted were not quite consistent with the fact. General Knollys said,—

"The troops have been under canvas during 1855 and 1856, as long as the weather admitted of it, and they will shortly be placed again under it. The last two months have been chiefly passed in drill, agreeably to the general instructions of our service, and the weather has not admitted of my putting the troops under canvas until the last week without special orders. The same system will, however, be pursued this year as has been carried out during the last two. Of this, cooking in the field, of course, forms a part, and at which you may remember all the regiments of militia were successfully practised, as well as the young and newly-enlisted regiments of the line; the case is somewhat different with regard to those regiments who came from the Crimea, who had little to learn in cooking that I could teach them. Field operations have been always practised when the summer field days could no longer take place. Route marching, taking up positions, outpost duty, form part of this instruction, along with reconnaissances for the cavalry, and bridgemaking for the engineers. We have a class of officers receiving instruction in surveying and military sketching under an artillery officer from Woolwich, and I trust to be enabled to extend this instruction still further, and to a greater number of officers. Besides the fort we constructed under your superintendence, we have executed military works on the bank of the canal. All the roads lately finished have been completed by the soldiers—three entirely without working pay. The whole of the temporary stabling was constructed by the military. The horses have continued remarkably healthy, particularly some of the military train, who continued out throughout the winter. The only casualties among the latter were from kicks. There is only one hut in the whole camp that is at present out of repair—mess-house, letter M. The felt is in a good state of preservation throughout, and no rain enters through the roofs. The whole of the gravel in the lines has been spread by the troops. I have no idea that desertion has ever been induced by the camp. Whatever there has been extra may easily be accounted for by the peculiar circumstances which attended the regiments coming from the Crimea. The average of the sick has continued lower than that of any other station. We have an abundant supply of good water from Cæsar's camp, and it is not likely to fail. The above are the points you have made queries on, and I trust you will think my answer satisfactory."

That letter showed a very satisfactory state of things, and, to prove that it was borne out by the facts, he would next read a statement which was made by the brother of Sir H. Smith, who was barrack master at Aldershot, and an experienced officer. With reference to the huts, his words were—

"They are in excellent repair, not the least appearance of decay; they are light, airy, and wholesome; there is but one instance on record of a hut having given way, which is the mess-hut in M line, south camp, used as a private residence; the back broke—the defect was made good immediately. The felt is extremely good and water-tight, will last for years—in my opinion as long as the hut stands, by proper attention being paid to it. The supply of water from Cæsar's camp is good and ample, without the least probability of its failing. In the event of the bank of the reservoir giving way, the wells in the camp will sufficiently supply the troops with good water until such time as the reservoir has been repaired. The latrines are extremely well, and from the manner in which the Cyanic Manure Company deodorize them there is no complaint. The urinals have been reconstructed and answer well; they are deodorized by the company, as are also the drains, by which means no offensive effluvia arise therefrom. In the kingdom there is not a more healthy spot than Aldershot. Take the average of the number of men quartered (12,000) in the camp during the last six months, the sick amounted to 2½ per cent; in my opinion not another barrack in the kingdom could show this. From the opening of the camp in May, 1855, to the 1st of June, 1857, the camp has accommodated 4,825 officers, 131,632 men, and 6,550 horses;

and I do most positively assert that every officer, man, and horse were accommodated with everything the regulations allow them immediately on their arrival in the camp. No cavalry regiments arrived in the camp last November; consequently what was stated in the House the other night is totally unfounded. From conversations which I have had at different periods both with officers and non-commissioned officers, I am convinced the camp does not lead to desertions; on the contrary, the men are partial to it."

Motion, "That the House go into a Committee of Supply," *agreed to.*

SUPPLY—ARMY ESTIMATES.

House in Committee; Mr. FitzRoy in the Chair.

(1.) £151,744, Educational and Scientific Branches.

Colonel **NORTH** rose to express a hope that on some future occasion other opportunities would be given to Members of discussing some of those votes. He had voted for the disputed £50,000 for Aldershot on Friday night, not wishing that the soldiers should be sufferers, and looking on camp training as a matter of great importance; but there were matters in vote No. 12 which he thought open to objection, but no opportunity had been afforded of taking the sense of the Committee upon them.

Sir **JOHN RAMSDEN** said, that the hon. and gallant Member would have an opportunity of making any observations he thought proper with respect to the Vote in question on the bringing up of the Report.

Mr. **RICH** wished to call the attention of the Committee to the fact that the sons of men who were not officers were charged for their education at the Royal Military College at the rate of £125 per annum; there being additional charges by which that sum was raised to £150 per annum. Now, the State had undertaken to provide for the education, to a certain extent, of the sons of deceased officers at that institution, but, instead of doing that, they had in reality laid the burden of payment upon civilians who sent their sons to be educated to the college, and the consequence was that the system operated as a direct tax upon education. It appeared probable that a great change was about to be made in the education of the army, and he trusted the Government would consider the hardship he had just pointed out.

Mr. **HENLEY** said, he had the same complaint to make of this as of the Vote discussed on Friday night, for distinct and separate items were so lumped together that it was not possible to discuss them without a cross debate and a good deal of confusion. The Vote comprehended items for the education of the army, for the Hibernian and Chelsea Asylums, and for the Ordnance survey of Scotland, which some people pretended was a very ugly job, and other matters, which it was impossible to discuss in one Vote. There was another matter to which he also wished to call the attention of the Committee. The hon. and gallant Member for Calne (Sir W. F. Williams) made an assertion the other night which, considering the large sums our army had cost the country, was not very satisfactory. That hon. and gallant Member said that if a Russian or a French general wrote a despatch to a brother general he could accompany it with a military sketch of the ground to which it related, but that an English general had no one attached to his staff who could do that service for him. That statement came from a military man of no small reputation; and if it were true, considering the many millions we spent upon our army, he thought we could hardly be said to get our money's worth for our money. This statement was made during the debate on Aldershot, and he had consulted the usual sources of information the following morning, to see whether he had correctly understood the hon. and gallant General. Sometimes Members were not able to catch across the table what was said, but he found on looking to the papers that he had taken a right impression of what the hon. and gallant General had said. All he could find in this Vote towards remedying this defect was a small item towards the expenses of fifteen gentlemen studying at the Royal Military College. It would be well that the deficiency in question should be provided for in some way or other. He trusted that his suggestion relative to the better classification of the Votes might meet with the consideration of the Under Secretary for War, for by the present form hon. Members were not afforded a fair opportunity of raising a question on a particular item, which they might think objectionable, though mixed up with other votes which they wished to see granted.

Mr. **BLACK** called the attention of the Government to the Scottish Military Academy, which, he said, had a claim on their consideration. It was founded by private individuals, for the purpose of providing a course of instruction for the sons of officers in the army, and had hitherto been entirely carried on at their own expense. He believed the instruction given at it was superior to that which could be obtained at other military schools in the kingdom. It had sent forth 1,000 officers—many of whom had distinguished themselves; 100 of them were in the Crimea; and Major Nasmyth, one of the defenders of Silistria, had been educated at the school. He did not ask the Government to make any grant of money to the institution, but to give it a proper standing in the country, by enabling the managers to certify that those who passed the periodical examinations were properly qualified for posts in the army. The Academy did not care how stringent the examinations were made, so that the pupils got a share of the commissions annually given away by Government.

Mr. G. D. WARBURTON said, it appeared that a vehement competition for staff appointments took place in other countries, and that this emulation was followed by the best possible results. In our Army there was a remarkable contrast to this state of things. Out of 216 who had obtained certificates in the senior department at Sandhurst, only fifteen were employed on the staff during the late war. A system of appointment and promotion by purchase, seniority, and interest would not be very successful in other professions, and no one would think of adopting it in the Senate, on the Bench, or at the Bar. There were certain appointments upon the general staff which he thought might be thrown open to competition among officers of a rank to qualify them for such appointments, and he believed that the emulation and energy thus developed would tend greatly to elevate the character of the profession. It might be urged that the system of high military instruction for officers had not always produced the best effect—that the principle of competition which had been adopted for the last year-and-a-half had not led to unalloyed success—and that, in the competition for commissions in the Royal Artillery and Engineers, already more than one successful candidate had shrunk from the chilling atmosphere of a higher social grade than that to which he had been accustomed. But in a competition for staff appointments the same difficulty would not arise, because the candidates would all be of the same social rank. He would impress on the attention of the Government that the principle of competition ought to be introduced in some shape into this service. It would tend to raise the intellectual standard of all officers who entered the British army, and would remove from a gallant profession the odious reproach to which it had hitherto been exposed; namely, that it presented the only sphere, in an eminently industrious and energetic country, in which indolence suffered no rebuke and genius or ability could lay claim to no reward.

Mr. E. ELLICE (St. Andrew's) said, he did not intend to move, as he had done on a previous occasion, for any reduction of the Estimates. Last year he had stated his objections to the extravagant mode in which the Ordinance survey in Scotland was being conducted, but the House had declined on a division to accede to his views. He very well understood that the Government was all but opposed to this mode, but the gentlemen in a certain Governmental Department were very much actuated in the matter, and it was the plan of these gentlemen which the House had backed up. Each proprietor was to be furnished with an accurate survey of his own estate on the 25-inch scale; but it was obvious that a map of that kind, to be of any use, would require to be revised every two years. They had been promised that this survey would be finished within the time originally contemplated for executing a map of Scotland on a smaller scale. The Committee which sat on this subject reported that the survey for Scotland could be completed in ten years, and they recommended a Vote of £50,000 per annum for its execution. The Vote had, however, been reduced to £36,000—a breach of bargain of which the people of Scotland had a right to complain. But as the nation had been saddled with the extravagant plan, it ought now to be prosecuted with at least sufficient despatch to enable hon. Gentlemen to have a map of the country during their lives. The survey for Ireland had been completed—that for England also was all but complete; while in Scotland the survey proceeded at the tardiest pace, because of the absurdly large scale on which it was framed. In the aggregate the expenditure already charged against the country was £963,000; which was £46,000 in excess of the sum that the Committee stated was necessary last year to complete the survey. If the 1-inch scale—that of England—had been adopted for Scotland, a map could have been obtained for £250,000; but the House had preferred the plan which would cost one million. The enormous scale—that of six inches—on which the wildest districts of Scotland were to be surveyed, was perfectly monstrous; and when the whole was completed, not only would the high estimate abovenamed, in his opinion, be exceeded, but they would be landed in the colossal scheme advocated by Sir C. Trevelyan, by which England and Ireland, as well as Scotland, would be surveyed on the 25-inch scale, at an estimated cost of £6,000,000 or £7,000,000 sterling. Moreover, Sir C. Trevelyan's plan would necessitate the creation of a new Governmental Department, with a costly permanent staff of surveyors to revise the Ordnance maps every few years. The present rate of progress made in Scotland might be judged of from the fact that last year only 407,000, out of an aggregate of 20,000,000 acres were completed.

SIR WILLIAM WILLIAMS said, with regard to some observations which had been made by the right hon. Gentleman opposite (Mr. Henley), in which he had referred to a statement made by him (Sir W. Williams) the other night, that there were no doubt officers in the British army quite able to make plans. There were always such persons to be found on the head Quartermaster General's Staff; but there was not attached to our army, as there was to the foreign services, a topographical corps, who might be detached with any Major General or Brigadier General. In foreign armies, wherever officers equivalent to our Major Generals or Brigadier Generals were stationed, they were always attended by an officer who was constantly surveying the ground, and who made an elaborate report of the same, accompanied by a plan, without which no mere verbal or written description could be intelligible. He only hoped that upon the reconstruction of the army, a *bonâ fide* staff corps would be appointed, and that each member of it would attend one year with the artillery, one year with the cavalry, and one year with the infantry, so that officers of one arm of the service might be better acquainted with the duties belonging to others. He quite agreed in the opinion that had been expressed, that soldiers in camp at Aldershot ought to be employed on field works without extra pay, which only led to drunkenness and insubordination, and that they should be made conversant with the method of making fascines, with sapping, and other matters of field fortification. It was his earnest wish that every one of the soldiers might be there made conversant with everything relating to war, and he was perfectly sure that if this course were adopted, England would never regret a single shilling that had been laid out at Aldershot.

SIR DENHAM NORREYS said, that, as the attention of the Committee had been drawn away from the Ordnance Survey of Scotland to a totally different subject, and it was his wish to confine himself to the question of the Ordnance Survey, he would at once resume his seat if any hon. and gallant Gentleman desired to continue the subject adverted to by the hon. and gallant Baronet (Sir W. F. Williams). The noble Lord below him (Lord Elcho) complained of the hon. Member for St. Andrew's (Mr. E. Ellice) for having introduced a question which had been definitely settled by the House—namely, the Ordnance Survey of Scotland; but he (Sir D. Norreys) denied that the House had ever had an opportunity of expressing its opinion upon that question, nor did he think that it was then prepared to do so. As he did not think it was fair to make any Motion upon that subject without notice, he would reserve his observations until the bringing up of the Report, when he intended to raise the whole question of the 25-inch Ordnance Survey, in order that the opinion of the House might be finally taken upon it.

MR. WEGUELIN said, he wished to direct the attention of the Under Secretary for War to the engraving department of the Ordnance Office, which required the appointment of a practical engineer to prevent the mistakes and alterations which were constantly made under the present system. Great expense was caused to the country in consequence of the engraving of the maps being intrusted to persons who were not regular engravers.

After a remark from Colonel SYKES, which was inaudible in the gallery,

SIR JOHN RAMSDEN said, that he declined to make any reply to the observations on the Ordnance Survey of Scotland until the subject was brought before the House on the Report, in pursuance of the notice just given by the hon. Baronet (Sir D. Norreys). The Vote, however, had better be taken *pro formâ* at once, subject to the final decision of the House on bringing up the Report. He assured the right hon. Gentleman the Member for Oxfordshire that the instruction of staff officers in military drawing had engaged the most careful attention of the Government. By one of the general orders recently issued by the Horse Guards, it was laid down that after the 1st of January next no officer was to be appointed on the staff who was not able to pass an examination, and who was not well qualified in the different branches of military knowledge which were requisite for a proper discharge of a staff officer's duties. Practical instruction of that nature was being given at the present moment at Aldershot. An artillery officer went down there for several days in the week, and took about with him a class of officers to instruct them in the principles of military sketching, &c.; and so great was the anxiety to obtain instruction that that officer could not attend to all the applications that were made to him.

MR. W. WILLIAMS regretted that the hon. Baronet (Sir D. Norreys) did not think that the present was an opportune moment for the discussion of the question as to the Ordnance Survey of Scotland. It had been said that that was not a Scotch but a national question, but he (Mr. Williams) denied that that was so, because the Ordnance Surveys of England and Ireland had been settled. It appeared that the Survey of Scotland had been proceeded with, to a great extent, upon three distinct scales—a 1-inch scale in some counties, a 6-inch scale in other places, and a 25-inch scale elsewhere. He wished to know whether it was intended to persevere with these three surveys upon different scales? All the cost of these surveys would have to be paid for out of the taxes of the people, and he had a right to complain that, whereas the surveys of England and Ireland had cost only about £250,000 each, it was intended to expend £1,000,000 upon the survey of Scotland. What was intended to be done with the Vote of £36,000 now asked for? Was it to be expended in continuing the 25-inch scale survey, or was it intended that the public money should be perpetually expended in surveying Scotland on one scale, and then surveying it on another?

LORD ELCHO suggested the advisability of following the course recommended by the hon. Baronet (Sir D. Norreys), and of having a thorough discussion on this subject upon bringing up the Report.

MR. W. WILLIAMS was of opinion that no fair debate could take place upon the mere bringing up of the Report, and that the Committee ought to have some explanation before they agreed to the Vote.

SIR JOHN RAMSDEN (in reply to Mr. Williams's previous question) said, that nearly all the cultivated districts south of the Forth and the Clyde were now surveyed on the 25-inch scale, and they were now proceeding with the survey of the cultivated districts only upon this scale.

SIR HARRY VERNEY expressed himself strongly against the unsystematic manner in which the survey of the country had been carried on. They had been promised a uniform survey on the 8-inch scale, which would have served for all the railways and other great public works. That plan was rejected, and no less than £2,500,000 had been spent on surveys for the purposes of the Tithe Commissioners. He protested against the 25-inch scale as unnecessary and extravagant. He thought that the Vote should either undergo discussion or be postponed.

MR. E. ELLICE (St. Andrew's), said, the hon. Baronet had not exactly stated the present position of the survey in Scotland, because in four or five of the more important counties where it had been completed on the one-inch and the six-inch scale it would have to be entirely recommenced, according to the system now in progress, upon the 25-inch scale.

THE LORD ADVOCATE wished to understand whether it was the intention of the Committee to discuss this question now? Hon. Gentlemen seemed to forget that the subject had been most fully discussed before. Not only was it debated previously to last year, but a Select Committee then sat upon it, which pronounced in favour of the plan proposed, while a large majority in that House came to the same decision.

SIR WILLIAM JOLLIFFE did not wish to discuss the scale upon which the survey should be conducted, but thought the Government were proceeding without system in this matter. Even in Scotland no system had been adopted which would ultimately secure a good survey, while in England they were wholly neglecting that which it would be but common sense to do. There were populous districts in this country which possessed only the most incorrect map possible upon the 1-inch scale, and the survey for which was made at a very early period. Now, if a new survey of these districts were made, he believed, upon the authority of scientific men, that the sale of maps would be so great as to be perfectly remunerative. But, instead of doing this, they were proceeding with surveys for which there was no demand, and the greater part of which would be useless.

LORD ELCHO observed that the course adopted in Scotland was not that which the hon. Baronet had stated. At the present moment the Scotch survey was proceeding on a regular system, and it was in consequence of the many changes which had taken place, of the Motions for Select Committees, and the speeches made in this House, if doubt and uncertainty existed on the subject. He felt confident that much of the misunderstanding prevalent throughout the country arose from the want of a thorough discussion of this question. Before such a discussion took place he hoped that hon. Gentlemen, notwithstanding their horror of blue-books, would read over, however cursorily, the correspondence respecting the scale for the Ordnance survey published in 1854, and the Report of the Select Committee, dated May 6, 1856, upon the Ordnance survey of Scotland.

MR. WYLD suggested that these surveys should be made useful as a great scientific school for the instruction of our officers. In other countries officers were allowed to pass a certain portion of their time in making these surveys, the consequence of which was that upon every occasion where such officers were employed in making *reconnaissances* they were found capable of doing so satisfactorily. During the late Crimean campaign, however, it was well known that the authorities were indebted to railway engineers for a really good, scientific, and accurate plan of the ground before Sebastopol. He thought that if officers in all branches of the service were allowed to volunteer for a short time, and engage in this work of surveying, their expenses being included in the costs of the surveys, the experience they would thus acquire would prove invaluable to the country at some future period.

SIR FREDERICK SMITH: For the purpose of making a good and useful survey experienced surveyors were required, not youths. Where youths had been employed, as was the case with the Ordnance survey of Cornwall, re-surveys had been subsequently found necessary, and the work had been done over again. He thought, therefore, that no good result would follow the sending officers to this survey.

SIR WILLIAM CODRINGTON said, he thought that as affording a means for cultivating accuracy of observation there could be no possible objection to the suggestion of the hon. Member for Bodmin (Mr. Wyld). With respect to his observation, however, that the army before Sebastopol had been indebted to those engineers who went out to construct the railway, for the survey of the ground, he thought that the hon. Gentleman was in error, for he remembered a very excellent and very accurate plan having been made by an officer of the 93rd Regiment, who was then on the Quarter Master General's staff. No doubt the more education that could be given both to staff officers and to officers of the army, in order to qualify for the staff, the better; but in contrasting the education of officers abroad with the system pursued in England, it must be remembered that abroad officers were separately educated for the staff—that they were instructed at a separate establishment, at a separate cost, and that they were taken away from all regimental duties; and that the system in this country would have to be entirely altered probably if the staff were to be taken exclusively from one set of officers. With regard to the topographical question there was no doubt that if a general officer wished to send home a plan with his despatch, he had the Quartermaster General's Department to assist him; but the officers of that department had very important duties to perform, independently of map drawing; they had to do with the moving and quartering of the troops, to look to the general features of the country, and to make a general view upon paper of the position. The topographical department would be able to put in proper language, as it were, those conceptions of the Quartermaster General's Department, and it would, no doubt, prove a very useful addition to any military staff.

MR. W. EWART said, he understood that it was the intention of the Government to allow the Military Commission now sitting to investigate the whole question of Military Education, and, as it was a subject in which every one must feel deeply interested, he should like to know from the Under Secretary for War when public attention was to be called to it through the instrumentality of the Government.

GENERAL WINDHAM said, he should be sorry if it were to go forth to the public that there had been no officers at head quarters in the Crimea who could make a good map. He remembered to have seen two charts, one made by an engineer officer and another by an officer in the Quartermaster General's Department, and he believed that the latter was by far the best plan that had been made.

Mr. WYLD explained that what he had suggested was that officers of the British army should be allowed the advantage of acquiring a good knowledge of ground and of mapping, which these Ordnance Surveys would afford. He did not say that officers of the army were not generally well educated, but it was notorious that in topographical knowledge they were inferior to the officers of France, Russia, Austria, or Prussia, and that if they were sent to make a reconnaissance, and to bring it back to the Commander in Chief, they would not be able to do so.

General WINDHAM admitted that there was much truth in what the hon. Gentleman said, and added that many officers who drew well as boys lost the art from want of practice. He repeated his unwillingness, however, that it should be supposed that there had been no persons employed at head quarters at Sebastopol who were capable of making a map.

Sir JOHN RAMSDEN, in answer to the hon. Member for Dumfries (Mr. Ewart), stated that the whole question of military education had for a long time engaged, and did still engage, the most serious attention of the Government, who were fully aware of its great importance. The first recommendation of the Commissioners upon the subject, and one on which they laid the greatest stress of all, was, that a Board or Council should be appointed to consider the whole question. That step had already been taken by the Government. A Council had been appointed, and their duties were to draw up a general scheme of military education, giving more particularly their opinion as to what should be the examination to which gentlemen should be subjected when candidates for their first commission in the army; also, as to what examination officers should have to pass through upon promotion through the different steps up to the grade of captain; and, also, as to what should be the qualifications required of staff officers. That Council had only recently been appointed; those were the duties which its Members had to perform, and when they should have drawn up their scheme of education, that scheme would be submitted to Parliament before being adopted.

Mr. W. WILLIAMS again urged the postponement of the Vote, or, at all events, of that portion of it which related to the survey.

Sir JOHN RAMSDEN said, he hoped that the Committee would not postpone the Vote, although there appeared to be a general desire to discuss the question of the Ordnance Survey on the bringing up of the Report. It should be remembered that a Committee which sat last year had fully inquired into the subject, and that the present expenditure was merely for the purpose of carrying out the recommendations of that Committee.

Vote *agreed to;* as were also the following Votes:—

(2.) £17,305, Rewards for Military Service.

(3.) £41,994, Pay of General Officers.

(4.) £378,706, Pay of Reduced and Retired Officers.

(5.) £127,378, Pensions to Widows, &c.

(6.) £31,863, Pensions for Wounds.

Colonel NORTH said, he begged to call attention to the manner in which pensions for wounds were awarded. In some cases officers were desperately wounded, but unless their wounds were considered equivalent to the loss of a limb, they were not considered eligible for pensions. He thought there ought to be some other sort of classification. In some of the regiments which recently left for the China war, officers were obliged to leave the service on account of their wounds, although those wounds had not resulted in the loss of a limb. He thought the manner in which the future prospects of an officer were affected by a wound should be more considered than whether the wound was equivalent to the loss of a limb.

Mr. W. WILLIAMS said, he must complain that it was almost impossible to keep pace with the Votes from the manner in which they were arranged. He had wished to make some observations on the last Vote, but, in consequence of the vast mass of matter contained in each of the Votes, he had been unable to tell what Vote the Committee were upon. He trusted, when the Estimates were next brought forward, that a number would be put to each Vote and named by the Chairman, so that hon. Members might be able readily to find it and follow it up.

Lord ADOLPHUS VANE-TEMPEST, in reference to the wounds of officers, said that many officers were so severely wounded in the Crimea that they were obliged to leave the service. They could not, however, get a pension, because their wounds were not equivalent to the loss of a limb. This was not a principle on which a great country like this ought to act. He wished to know from the hon. Baronet whether the Government would make any alteration.

Sir JOHN RAMSDEN said the noble Lord must be aware that this was a most difficult and complicated question. If they once passed the line which had necessarily been adopted, it would be almost impossible to know exactly where the granting of a pension should stop. He was afraid it would be out of his power to give any answer to the questions of the noble Lord or to the hon. and gallant Member for Oxfordshire. The regulations under which the Government acted had been in force for a great number of years, and they were originally taken from the Admiralty regulations, which would require to be altogether revised if the subject were disturbed.

Colonel NORTH said, he had not expected any answer at the moment. He merely mentioned the matter that the attention of the Government might be directed to it.

Sir CHARLES NAPIER said, the line which had been laid down was a very bad line. It was true that inquiry should be made into the cases of officers severely wounded. There were other wounds besides the loss of a limb, which might vitally affect a man's prospects for life. The hon. Baronet had said that he followed the example of the Admiralty—it was a very bad example. The Order in Council empowered the Crown to give pensions for wounds whenever the case seemed to deserve it. This was never carried out, and it was high time that inquiry was made. The officers of both services had served their country well, and deserved more consideration. An officer might be struck, and all the difference as to his pension would depend whether he was struck, in the leg, for instance, a few inches higher or lower.

Viscount PALMERSTON said, that nothing could be more desirable than that the Government should have the means of laying down rules which would be attended with the effect of rewarding officers who suffered severely in the service; but, on the other hand, nothing was more essential than that the regulations appertaining to the matter should be such as to exempt the individual was duty it was to administer the pension from the charge of partiality or injustice. Now, unless the regulation was such as to admit of a clear distinction between several cases, he was afraid it would be impossible to give satisfaction to the service. He himself knew something of the matter from the offices he had once occupied. As long as a pension was to be given for the loss of a limb, or a wound equally prejudicial, there was clear ground to stand on; but if they went beyond that, and undertook to measure the injury to the constitution caused by different wounds, it would be impossible to lay down a line satisfactory to every one. Again, what difference could they draw between incapacity arising from wounds, and incapacity arising from disease? An officer might be incapable of service if his regiment were ordered abroad, but quite capable if it remain at home; so that there might be two officers suffering from wounds of a similar character, while their pensions would depend on the contingency of their regiment being ordered abroad; that was, that if the regiment of the one was ordered abroad, that officer would receive a pension as having been incapacitated for service; while the other officer, suffering from a similar wound, would not receive a pension because his regiment was at home. Unless some line was laid down the War Department would be accused of partiality in every case in which a pension might be refused.

Sir CHARLES NAPIER said, that the Queen's regulations specified that Her Majesty reserved to herself the right of conferring a pension on account of wounds and services. Now, the noble Lord talked of a fixed rule; but if there were to be a fixed rule, and that rule was that no one should have a pension who had not lost a limb, that power of granting pensions ought not to be retained by Her Majesty, because it was only holding out false colours.

Major STUART WORTLEY suggested that the close of a severe war, like the war with Russia, was a very fitting opportunity for a Government to take the matter into consideration.

Colonel NORTH said, that in many instances the officer was incapacitated for service both at home and abroad; but unless their wounds were considered equivalent to the loss of a limb they did not receive the reward to which they were entitled. It was to these cases he referred.

LORD ADOLPHUS VANE-TEMPEST said, that there was great injustice in the present system; and he hoped that the noble Lord would consider whether some modification of it was not practicable. A friend of his was wounded at the Alma; he was very much attached to his regiment, but he was obliged to leave it at a very great sacrifice, being totally incapacitated from remaining. That officer received a pension at present, but he was in a great state of doubt and uncertainty as to its continuance, because he had not lost a limb.

MR. ROEBUCK thought the evil arose from adhering too much to a preconceived rule. Instead of judging by that, they ought to take each case into consideration, and decide on its merits. Suppose a man were shot in the lungs, and another lost an arm—well the man who lost an arm would receive a pension, although he could still perform his duty, while the man who was shot in the lungs, although unable to do anything, was not entitled to a pension. The army had done its duty nobly, and he appealed to the House not to act towards it in a niggardly spirit.

MR. BRISCOE said, he considered that an officer who had been incapacitated by wounds from the performance of his duty, either at home or abroad, was a fit subject for a pension, even although he might not have suffered the loss of a limb.

VISCOUNT PALMERSTON said, each case was considered on its individual merits, as suggested by his hon. and learned Friend (Mr. Roebuck), but then their merits were measured by the predetermined regulations. If it were not so, and the matter were left to his noble Friend at the head of the War Department without any reference to a fixed standard, he was sure a clamour would be raised in every case where a pension was refused, which would be exceedingly prejudicial to the service. There was no mode of dealing with the matter except by fixing some standard. In any case, such as that put by the hon. and learned Gentleman, where an officer had been so badly wounded as to be incapacitated for service, either at home or abroad, he should suppose the report would be that the wound was fully equivalent to the loss of a limb, and consequently a pension would be granted. It appeared that the officer to whom the hon. and gallant Gentleman (Colonel North) opposite alluded was in the receipt of a pension, and certainly if a pension were once granted it was not likely to be withdrawn.

MR. ROEBUCK said, he considered that if the rule was a bad one it ought to be altered, without any regard to clamour which might be raised in individual cases. The standard of the loss of a limb did not appear to him to be a reasonable standard, because the loss of one limb might be more severe than the loss of another, while a wound without loss of limb might be more likely to render a man unfit for service than the actual loss of a limb.

SIR WILLIAM CODRINGTON said, there was in each case a separate consideration under the Medical Board. But what he felt most was the rigidity by which the authorities were bound not only by the mere Regulation, but by the habits of England, which bound down the Government to particular rules for fear of giving them irresponsibility over one sixpence, and thus rendering them afraid of exercising any discretion. The evil referred to was felt not only in granting pensions of this sort, but extended to other matters. This jealousy of Executive Officers took away from the Government the responsibility due to them.

SIR CHARLES NAPIER wished the law to remain as it was, if it were only carried out. The Government reserved a right to give pension to officers whose services and wounds entitled them to it; and he wished to see that discretion carried into practice.

ADMIRAL WALCOTT observed that he was desirous of knowing what were the precise instructions under which the Medical Board acted. At present he was wholly unable to discover upon what principle its officers decided the amount of pension which was granted as compensation for the loss of a limb. It must be borne in recollection that the effects of many wounds were more serious than even a disabled body or mutilation, when they resulted in mental derangement. As the system was now administered, a considerable degree of distrust and dissatisfaction very justly prevailed among members of the naval and military professions. He, therefore, on every account trusted that the existing regulations would be communicated to the House.

Sir JOHN RAMSDEN said, the regulations under which the Medical Board acted were to be found in the War Office Regulations, at page 185.

Mr. ROEBUCK asked whether the loss of an arm and the loss of a leg meant the same thing at the War Office? The words "loss of a limb" were a mere phrase; it might mean an arm or a leg, but they were different injuries.

Viscount PALMERSTON said, it was impossible to estimate particular injuries. The loss of a leg or an arm was a severe injury; yet the severity depended on circumstances; and both affected the constitution. It was not only that there was a bodily loss to the officer, but that the necessity for assistance was entailed upon him thereby. But he hoped the Committee would not expect him to catalogue particular injuries.

Mr. ROEBUCK wished the Government to judge each case by itself.

Lord ADOLPHUS VANE-TEMPEST said, pensions were granted for one year, and at the end of it the officer was ordered to present himself to the Board. The whole system of pensions was so exceedingly uncertain, that officers did not know whether they were entitled to a pension or not, and he hoped the Government would reconsider the subject, or that some non-military Member would move for a Committee to do that which the Government refused to do.

Sir JOHN RAMSDEN said, the cases alluded to were of a doubtful description, and the officer was presented with a gratuity of one year's pay, and ordered to come up again at the end of the year. If the injury were then permanent a pension was granted, but if not, the country was not burdened with a pension.

Sir WILLIAM CODRINGTON said, the question was one of very great difficulty. He felt that instead of limiting the Executive Government to a certain rule the House ought to give them a certain discretional power to be lodged in the Head of the War Department, and a power of reference also to the Medical Board. That would be a great advantage.

Vote *agreed to.*

(7). £20,941, Chelsea and Kilmainham Hospitals.

Admiral Walcott

Sir CHARLES NAPIER asked, whether the major at Chelsea Hospital, who received a salary of £360, and the adjutant, who received £210 per annum, were also in receipt of their half-pay.

Sir JOHN RAMSDEN said, he was not prepared to answer the question then, but would make inquiry upon the subject.

Mr. W. WILLIAMS complained that the charge for Kilmainham amounted to over £6,000, in addition to £4,000, which latter sum was, he perceived from the Estimates, not then under discussion, also to be laid out on the erection of buildings connected with that hospital. The total expenditure, therefore, for the present year would be over £10,000, while the number of the inmates appeared to be not more than 142, out of which number forty-three were officers and servants of the establishment. These in-pensioners cost the country £100 a man, and if they had half that amount, and were allowed to live with their friends, they would be more comfortable.

Colonel NORTH said, the hon. Gentleman (Mr. Williams) seemed to assume that these poor pensioners were not comfortable. Now, he (Colonel North) had the honour of being acquainted with the officer who was at the head of this establishment, and he might safely say, therefore, that they were as comfortable as they could be. If the men were not comfortable, they could leave the establishment; and at the same time he begged to remind the hon. Gentleman, that as long as one-half of the army was composed of Irishmen, it was not too much to maintain an asylum in that country for our superannuated soldiery.

Mr. W. WILLIAMS repudiated the notion that he had complained of these pensioners not being comfortable. What he had stated was, that if each of them was paid over the £100 which they individually cost the country, they could be maintained with much more comfort amongst their own friends than at present.

Vote *agreed to*, as were the two next Votes.

(8). £776,688, Out Pensioners, Chelsea Hospital.

(9). £83,000, Superannuations.

Mr. JOSEPH LOCKE said, he wished to remind the House that his statement with reference to Netley Hospital, on Friday night, had passed quite unnoticed by either the noble Lord at the head of the Government or the hon. Gentleman the Under Secretary at War. He did not complain of personal discourtesy, but the public interests were concerned, and he thought that some explanation ought to be given. He had asked for an explanation as to the discrepancy which had appeared in the different Estimates on account of this hospital. They had, in the first instance, been asked for a sum of £150,000 on account of the building of the hospital, and then they were afterwards told that the real estimate was £110,000 in excess of that, which would make the total outlay amount to £260,000, or at the rate of £260 per patient, as the hospital was to be built for the accommodation of only 1,000 men. For that sum a good house might be built for each of them. He had heard it stated, that it was the intention of the Government to discontinue the erection of this hospital—was this true? Above all, he should like to know the cause of so sensible a difference in the various estimates, as well as the name of the architect who was responsible for such discrepancies.

SIR JOHN RAMSDEN said, he was obliged to the hon. Gentleman for giving him the opportunity of correcting an involuntary omission. The discussion on Friday night embraced a variety of subjects, and the questions put by the hon. Member were lost sight of. The discrepancy in the estimates of £110,000 arose from the circumstance that, when it was first intended to build the hospital for £1,000 patients an estimate of £150,000 was put into the Votes upon the usual computation of the cost of constructing an hospital upon the old plan, without the modern improvements. In the War Office £150 a bed was considered a proper estimate, and as soon as it was arranged that the building was to hold 1,000 men the sum of £150,000 was put down in the Votes. However, before any steps were taken to construct the hospital, a Committee of able medical and scientific men was appointed, who reported that great modifications were required in the original plan. There was no time before preparing the first estimate for the House of Commons to go into the elaborate detail and inquiry which had afterwards been made, and the result was, that a much larger estimate for the construction of the hospital was found necessary. The hon. Member appeared to think this an exorbitant charge. He could only say, that a grave representation had been stated to Lord Panmure relative to the improvements required, and that a Committee of scientific men, engineers and medical men, was appointed to consider that memorial. The Committee made a Report, in consequence of which certain alterations and improvements were made in the plan. He would add, that it was the intention of the Government to proceed with the construction of the hospital.

ADMIRAL WALCOTT said, that, in reply to a question put on a late occasion, in reference to the defences of Woolwich, the noble Lord at the head of the Government observed very justly, that on the land side were hills of varying elevation incapable of a regular system of fortification, but tenable to a considerable extent by troops. On the water side, towards the river, the only possible defence which could be offered to the approach of an enemy must consist in the presence of block-ships and gun-boats. Now, at Woolwich upwards of 20,000 pieces of ordnance were collected besides material of war to the value at least of £20,000,000. It was, therefore, a subject deserving the most mature consideration to determine whether it was prudent to continue the present system of centralising stores of such magnitude and value in a position so exposed as Woolwich. Weedon was at a distance of from sixty to seventy miles from London, but it possessed the advantage of a railway and water-carriage by canal. In Portsmouth and Plymouth also, as possessing strong fortifications, might be established convenient depôts. He would, moreover, observe that the present number of ships, of the description to which the noble Lord had alluded, was quite insufficient to meet the demands which would be made upon them in the event of an emergency by ports of the highest national importance. He did not think that block-ships, such as we now employed, were adapted for this service, but he could entertain no doubt that scientific men would readily devise a floating battery equal to any fortification on shore, taking into account the extreme lowness of the land on either bank of the river. He would conclude with the hope that before the next Estimates were brought forward the Government would take the subject into their most serious consideration.

SIR JOHN TRELAWNY suggested that the Government should reconsider the

Estimate for the Hospital at Netley before the expenditure was incurred. The hon. Gentleman also pointed out some discrepancies between the cost of barrack accommodation at Cambridge, Dover, and other stations. At Dover Castle an extra sum was charged for the adoption of the midiæval style of architecture for the barracks.

House resumed.

Resolutions to be reported on *Thursday.*

Committee to sit again on *Wednesday.*

FRAUDULENT TRUSTEES, &c., BILL.

SECOND READING.

Order for Second Reading, read,

MR. SERJEANT KINGLAKE said, it was not his intention to obstruct the progress of this measure, the importance of which could not be exaggerated. On the contrary, he wished to give it his fullest support, believing that in its general complexion the Bill was a good one. The attention of the country having been painfully directed for some time past to the gross and scandalous frauds connected with certain Banking Companies, the House would no doubt be disposed to receive with great favour any measure directed to the prevention of such reprehensible transactions. There was, no doubt, that many of the clauses of the Bill were directed to such frauds as had recently so much astounded the public mind, and those clauses had his entire approbation. But one of the clauses of the Bill dealt, for the first time, with what were called ordinary breaches of trust, not such as might be committed by Bankers or persons of that description, but by ordinary trustees with reference to the management of property. There was this great anomaly in the English law that, while a parish lad for stealing a loaf of bread, or an humble clerk for wrongfully appropriating a shilling belonging to his employer, to meet some sudden and pressing necessity became amenable to the criminal law, a Trustee, however flagrant and criminal might be his act, could not be touched by that law. But he (Mr. Serjeant Kinglake) doubted the prudence of the course proposed by one of the clauses for the repression of breaches of trust. The shades and differences of breaches of trust were so various that it was impossible to classify them, but, no doubt, there were many recognized as such by Courts of Equity, which might be committed, nevertheless, without any criminal intent whatever. For instance, a Trustee might, without any fraudulent intent, lend the money of his *cestuique trust,* and by the loss of that money the *cestuique trust* might be ruined. A Trustee might use the money of his *cestuique trust* for his own benefit. That was a wilful breach of trust, although no loss should accrue to the estate. If a loss did occur, the Trustee would be obliged to make it good out of his own property. He (Mr. Serjeant Kinglake) should be rather disinclined to make that a subject of criminal law. On the other hand, a Trustee might use the money of his *cestuique trust* with an intent to defraud him, and it was to this latter case he presumed that the Bill of his hon. and learned Friend the Attorney General was intended to apply. But the objection to the first section of this Bill was this— that while it attacked fraud, and fraud alone, it did not attempt to interdict the act which was the source of the fraud itself. Would it not be better to apply the axe to the root of the evil, to inquire what it was that induced the fraud and enabled and encouraged persons to do that which finally ended in fraud? Great facilities were afforded by the laws of this country to trustees to apply trust moneys to their own purposes, and the first clause enacted that only in the case of a fraudulent intent should the trustee be guilty of a criminal offence. This Bill only dealt with the fraud, and a trustee might employ the trust money, but would not be amenable, if he stopped short of fraud. He would suggest whether it would not be wise to introduce a clause, making it a criminal offence for any person to apply the funds of his *cestuique trust* to his own use, if the result was that a loss accrued to the *cestuique trust.* The first clause was in these general terms:—"That every trustee who should either appropriate or use or employ money belonging to the *cestuique trust* for his own use, with intent to defraud, should be liable to an indictment for misdemeanour and to seven years' penal servitude." Now, after a long experience in the criminal courts, he undertook to say that it was impossible to define what was an intent to defraud. If the first clause were passed as it stood, that want of preciseness would hang in terror over trustees, and there was not an honourable or sensitive man who would not at once give up his trusteeship. A jury would have to be appealed to in order to ascertain whether there had been an intent to defraud, and the character and liberty of every trustee in the country would thus be put in an extreme jeopardy. If, then, the House meant to protect honest trustees they ought to interdict the act which led to or permitted fraud, and not to deal with cases of fraud alone. Again, the twelfth clause showed that the framers of the Bill had no confidence in it, because that clause enacted that no prosecution under this Bill should be commenced without the sanction of one of Her Majesty's Judges of the superior courts of law or equity or of the Attorney General. Against that clause he protested, as it was manifestly in direct opposition to the whole spirit of the English law. It was the office of the Judge to act rather as the advocate than the prosecutor of a prisoner brought before him for trial; but it might be, if this Bill were passed as it stood, that a trustee might be arraigned for trial before the very Judge who had sanctioned his prosecution. If the hon. and learned Gentleman would consult the common law Judges, he would find that the great majority of them would be very much disinclined to undertake the duty which he sought to impose upon them. The minds of the Judges ought to be free upon the trial of a prisoner, and not biased by having expressed at a preliminary stage an opinion of his guilt. He hoped the fifteen Judges of the common law courts would never be placed in the invidious position of being supposed to have prejudged a case in which they were sitting in judgment. In conclusion, he trusted that the Attorney General would introduce a clause into his Bill to stop the source of crime by interdicting the facility with which trustees might now use the money of the *cestuique trust*, subject only to the interference of a court of equity.

MR. NEATE suggested to those hon. Gentlemen who were members of the Bank Charter Committee whether it would not be well to abolish that rule of the Bank by which they refused to take notice of private trusts. That was a rule which opened the door to fraud; and as it was better to look to the prevention of such offences as those with which this Bill proposed to deal, than to punish them after they were comitted, he thought if this rule were relaxed, and regard were had to the fact of whether stock was held in trust or otherwise, accounts would be placed on a sounder footing, and much would be done towards excluding the possibility of the alienation by trustees of the money of the *cestuique trust*.

MR. ROLT said, that it was not his intention to oppose the second reading of the Bill, but it was a measure requiring great consideration, and he thought it in its present form open to such grave objections, that, unless it underwent considerable alterations in Committee, he should feel it his duty to oppose it at some future stage of its progress. The Bill embraced several classes of offences—offences by trustees, by bankers, brokers, and other agents, and by directors of joint-stock companies. He should only trouble the House, however, with some observations by way of illustrating his objections to the measure, in reference to that part of it which affected to deal with the offences of trustees. His objection to this part of the Bill was that it would infallibly tend to deter gentlemen of character, station, and responsibility from accepting any office or duty connected with an important or complicated trust; that it would necessarily tend to throw those offices and duties upon persons of inferior responsibility and station, or to place the administration of this property in the hands of some legal tribunal or of some Government Department; and which of these alternatives would be the worst he could not say. The offence on the part of trustees provided for by the Bill was, as he understood it, this—the appropriation of money or other property for his own benefit by any person who was rightfully the owner of it at law, but who in justice and in conscience held it for the benefit of some other person. The Bill did not attempt to impose a punishment for any breach of trust not committed for the benefit of the trustee. This was quite clear. But what would be the consequence even upon this clear construction of the Act? An attempt was made to fence round the breach of duty by defining the wrongful act. This act was not only to be for the advantage of the person doing it, but it was also to be "against good faith and with intent to defraud." Now, he did not quite agree with the hon. and learned Member for Rochester (Mr. Serjeant Kinglake) in his view of these words; but he certainly thought they would either reduce the Bill to a nullity or would be of no meaning and effect at all. In legal consideration, if you proved that money belonging to another had been appropriated, you proved "the intent to defraud." If this view were not to hold good he knew not how "the intent to defraud" was to be proved, because he ventured to say it was not in one case out of a hundred that you could establish by evidence, over and above the commission of the act itself, that there was any intent to defraud. The wrongful act was generally done in the confident belief that the next week or the next year the trustee would be able to replace the funds confided to him; and he apprehended the intention of the Bill was, not that the crime should depend upon the result, or that the restoration of the property should remove the offence. If a trustee, then, appropriated money to his own benefit, this would be an offence which under the Bill would subject him to seven years' penal servitude. Now, let the House consider the cases to which that would apply. He did not mean to represent that in those cases the parties were innocent; but, though they might have committed an offence, he thought the House should hesitate before it decided to deal with them criminally. For his part, he should desire to draw a distinction between cases in which parties were intrusted with money and those in which they were intrusted with stock or chattels which might be converted into money. In the one case, by misappropriating the trust fund, and not satisfying the obligations of the trust when he was bound to do so, a trustee was guilty of criminal insolvency; in the other case he was guilty of a crime which resembled theft or forgery, and should be punished accordingly. Now, he did not intend to enter into the question whether the law at present was of sufficient stringency in its bearing upon criminal insolvency. If, however, the offence they were dealing with—namely, that of having money confided to your possession and not performing the solemn obligation of paying it when it was due—if this offence belonged to criminal insolvency, he objected to take it out of that category and to deal with it by some exceptional law merely because of some recent instance which had produced a panic in connection with this subject. He would submit one or two cases which would show the consequences of taking this particular class of offence out of the category of crime to which it properly belonged. He would suppose the case in which it was the duty of the trustee to receive money and when it amounted to a certain sum to invest it in a particular way. In that case it was the duty of the trustee to keep the money separate from his own; yet, talk and preach as they might to the contrary, the most innocent person would at the outset place the money which he so received in small amounts to his own account at his own bankers; and there would be nothing criminal in that —it might be a breach of trust, an error, and if the banker failed he would be responsible, but there would be no criminality. The next step easily followed. The trustee wanted to draw upon his banker—he knew that if this money were not there his banker would accommodate him, but as it was there he drew upon that. It might be that that was an irregular act, though scarcely a criminal offence, but let them follow it a step further. The trustee took the money intending to replace it in a few days from securities which he had in his possession—the securities might fall in value, the man might fail, and he would become criminally insolvent. Now, how did that case differ from that of a man who, engaged in commerce, entered upon some speculation in which he knew that if he won the gain would be his own, and that if he lost the loss would be another's? He would be criminally insolvent. So, if a man incurred debts which he had no reasonable prospect of paying, he was criminally insolvent. Let that class of offence, then, be properly defined, and he contended that the crime with which the Bill was intended to deal would come within the category of criminal insolvency. He would cite one more case which was of common occurrence, and it should be the last. A man in trade made his will, and directed that at his death his property should be realized for the benefit of the adult and infant members of his family. Death happened earlier than he expected; the elder branches of his family were the trustees, and the trusts of the will were, that his assets should be realized, and should be divided as he had stated. The trustees knew that in the then state of the assets, if they were realized, there would only be a few hundred pounds for each of them, while, by carrying on the trade for their mutual benefit much greater advantages would accrue. They might be told that if they did so, they would be guilty of a breach of trust; but nobody could say that they would be morally wrong, and the advice generally offered to them probably would be, "If you like to take the responsibility, do it." He

(Mr. Rolt) was not sure that that would not fall within the category of crime as laid down in the Bill; but, even suppose that it did not, what possibility would there be of persuading sensitive and honourable men to undertake trusts of this description when there was any doubt in the matter, and when actions perfectly innocent upon their part were liable to be looked upon as criminal? It was vain for that House to endeavour to draw distinctions between offences which really belonged to the same class of crime; they could not weigh the niceties of intent and of moral effect; the distinction was so fine that they could not do it; and, if upon the occasion of any panic being created, or of some crime being committed characterized by more than usual enormity, they were called upon to pass some extraordinary measure of legislation to meet it, he submitted that that was not, to say the least of it, a scientific mode of dealing with the amendment of the law. Let them clearly ascertain and define to what class of crime offences belonged; let them fix plainly the punishment for each class; let their views be general and universal—not exceptional—and they might hope to pass a law which would repress crime, and which would not defeat its own objects by undue stringency and severity. He thought, however, that there were many parts of the Bill which might be made useful, but there were other portions to which he strongly objected, and he did not think that the provision which referred the matter to the Solicitor or Attorney General, or to one of the Judges, would relieve the objections which he entertained to those particular portions. On the whole, the Bill, in his opinion, required the most anxious and careful consideration, and unless such objections as he had urged—which applied not only to trustees, but to bankers and agents also—could be remedied in Committee, he feared that it would lead to some great scheme of a Government Trust Board; perhaps the Board of Trade might be requested to undertake the whole subject; or the execution of trusts might be referred to some legal tribunal, possibly; and he was satisfied that neither of those measures would be beneficial to the country. Still, if the objections which he entertained could be removed, he would gladly assist in passing a measure which would really and effectually repress crime, and prevent persons from enjoying the fruits of their fraud with impunity.

THE ATTORNEY GENERAL said, that this was a Bill which required the most scrupulous and careful attention was no more than he had stated to the House when he obtained leave to bring it in, and that he should have the assistance of all sides of the House in the consideration of it he then expressed his confident hope; but he begged to point out to his hon. and learned Friends that that assistance would be given in the most creditable and effective manner if they would only take the trouble to embody their objections, and to give expression to their doubts and difficulties by framing Amendments on the Bill as it stood, and by the introduction of clauses which would be necessary in their judgment to give a more safe, cautious, and effectual operation to the measure. He confessed that he had been quite unable to attain to the meaning or to understand the purport of the arguments of his hon. and learned Friend the Member for Rochester (Mr. Serjeant Kinglake). No doubt his hon. and learned Friend had favoured them with a good deal of eloquence, with many appeals on behalf of the Judges, with much excellent advice, and with a pretty long sermon upon a text which was no doubt familiar to all of them—namely, that prevention would be better than cure. The hon. and learned Serjeant had told them that they had much better "interdict the source of the crime" with which the Bill proposed to deal. What the meaning of those words was his stupidity had rendered him unable to ascertain. He did not know how to interdict that source of crime except by stopping altogether the relations between trustees and *cestuisqui trustent.* As long as those relations existed there would be that source of crime, and the only way in which he could interdict it would be by doing that which would incur the pointed reprehension of his other hon. and learned Friend, whose great difficulty and alarm was lest the Bill should interdict the source of crime which the hon. and learned Serjeant was so exceedingly anxious to interdict. He might interdict the source of crime if he annihilated the office of trustee and substituted for these private obligations the appointment of some general office or board to superintend all trusts, and to take upon themselves the duties of trustees. Now, undoubtedly, he should not desire that—he never should wish to see a Government Board perform these obligations and duties of private life. As long as there were guardians there must be trustees; as long as a man who died committed to some friend or relative the charge and custody of his children and his property, so long there must of necessity exist that relation and that obligation; and he did not know, therefore, how he was to accomplish the object which the hon. and learned Serjeant had inculcated; but if his hon. and learned Friend would only do him the favour to try his hand at legislation, and would embody that interdict of the source of crime in a palpable enactment, he should be most happy to consider such a measure, and if it should prove effectual, he was sure that the House would be most grateful to him. With respect to another point on which the hon. and learned Serjeant had dwelt—the extreme impropriety of the twelfth clause—and which he had approached with so much horror and alarm, he (the Attorney General) had really imagined that that was the clause which would have rendered the Bill most acceptable to those hon. Gentlemen who were anxious beyond measure that no enactment should pass which would interfere with the discharge of an ordinary relation of life; and unquestionably he had a great number of precedents for the introduction of such an enactment. But for that clause a disappointed *cestuique trust* might go to the Police Court at Bow Street, and drag his trustee before the magistrate upon a charge, perhaps, which was totally unfounded, and he might expose a sensitive, honourable, and respectable man to a public accusation of which, at the moment, possibly he might not have the materials about him to show the utter groundlessness. The consequence would be that there would be considerable danger lest sensitive and honourable men might be prevented from undertaking duties of this description. But one must not be deterred by the fear of difficulties from endeavouring to legislate in order to put down great and grievous crimes, which, passing unpunished, were a reproach to our jurisdiction. He did not know, therefore, how to meet the difficulty except by placing upon one of the Judges of the land, or on the Attorney General, the obligation of examining, first, what he would call the affidavit for a criminal proceeding, in order to see that there was something like a reasonable ground for the charge. The House would remember in how many instances the sanction of a Judge, or a law officer, had first to be obtained before proceedings were taken. In introducing the Bill, he drew particular attention to this enactment, representing that the subject would require great consideration; and he thought, therefore, that it would be as well to defer further observations on it until the Bill went into Committee. His hon. and learned Friend the Member for Gloucestershire (Mr. Rolt) spoke of this Bill as something brought in on the spur of the moment and under the influence of recent events. In moving for leave to introduce the Bill, he carefully guarded himself against the supposition that he was actuated by such feelings. The absence of remedy in the cases to which the Bill referred had undoubtedly been regarded for a considerable time as a blot on our legislation, and the best proof that this measure was not brought in on the spur of the occasion was that, with respect to the greater number of the gross and most distressing exhibitions of fraud which, to the opprobrium of the country, had recently occurred, the law had met the transgression and punished it. This evil, however, still remained, which for reasons he had previously stated had not been included in the definition of larceny, and had, therefore, escaped punishment. He was perfectly well aware of the difficulties attending the introduction of the measure. Many had desired to meet the evil, but few had been bold enough to submit a proposition on the subject. The necessity for legislation, however, was universally felt. Let not the House, then, be deterred by representations that there might be this or that danger from endeavouring to deal with the subject. If there were evil in the way, it must be met and surmounted, and he was perfectly confident that the Members of that House, when they applied themselves in committee to the Bill, which he admitted might need amendment, would be able to put the Bill in a shape which would make it worthy to be added to the legislation of the country as a means of meeting great and scandalous fraud, and removing a blot which was now an opprobrium to the jurisprudence of the country.

Bill read 2°, and *committed* for *Friday.*

SAVINGS-BANKS (No. 2) BILL.

SECOND READING.

Order for Second Reading read.

Mr. TURNER said, that he felt it his duty to make a few observations with regard to this Bill, as it was of so much importance to Manchester, and he trusted the House would receive his remarks with the consideration they always afforded to a first speech. The establishment of savings banks had been a measure of the greatest benefit to the population of the country, and he approved highly of the principle involved in the Bill, namely, that the Government should give security, not only to the depositors to the extent of the money placed by the conductors of savings banks in the hands of the Commissioners for the Reduction of the National Debt, but that that security should be extended to all deposits made in the savings banks. There was a mutual obligation between the Government and savings banks, for if the one gave the benefit of security, the other afforded a fund to the amount of £35,000,000 or £36,000,000, which placed an immense financial power in the hands of the Government. While the Government gave security to the depositors, they were entitled to exercise the power of investigating the management and affairs of the banks; but he feared they might carry that power of interference too far. He knew there were instances of defalcations, such as those in the Dublin and Rochdale Banks, in respect to which some blame was attached to the Government that they were not sooner discovered; but if interference under the present Bill should be carried so far as to disgust the conductors of well-managed banks, great mischief would be the result. In Manchester the savings bank was managed in a manner perfectly satisfactory to the depositors by gentlemen who devoted to that purpose a great amount of ability and talent, and it would be a great evil if such men should be disgusted by unnecessary interference on the part of the Government. He knew that the present Chancellor of the Exchequer, and the present Comptroller General, did not wish to interfere unnecessarily in the management of savings banks; but there were clauses in this Bill which gave large powers; and which future Chancellors of the Exchequer and future Comptrollers General might use unnecessarily. He wished the Government had complied with the prayer of the numerous petitions which had suggested that the Bill should be referred to a Select Committee in order that a measure might have been agreed on satisfactory to all parties. He did not wish to oppose the second reading of the Bill, but he trusted that the Chancellor of the Exchequer would state publicly, as he had done in private, that he did not wish to interfere with those Gentlemen who took an active part in well-managed banks. That would have a salutary effect in allaying the apprehensions which were entertained by the local managers and committees of these banks. For if such unnecessary and vexatious interference on the part of the Government officials did take place, its effect could but be to disgust the managers, to diminish the number and amount of deposits, and to impede the prosperity and usefulness of the institutions. Let the Government insist on some mode by which the accounts could be checked, but when a savings bank was well managed, let there be no interference on the part of Government officials.

MR. GROGAN said, he would inform the hon. Member that in the case of the Dublin bank referred to the Government neglected their duty; for, according to the blue-book, the Government were perfectly aware of the irregularities, but for public purposes it was convenient to connive at them, and the consequence was, that the depositors were deprived of their just rights. Any measure, therefore, to prevent the occurrence of such an evil must be a great boon to depositors, but the Government must take care not to disgust the gentlemen who took on themselves the management of savings banks by unnecessary interference on the part of Government officials. The Government should arrange a scale of salaries and of interest, and beyond that they should not unduly interfere in the management of these banks. The Chancellor of the Exchequer had stated on a previous occasion that he would attempt, before the second reading of the amended Bill, to put in a distinct form the conditions necessary to be complied with, in order that these banks should have the full benefit of the present Bill, and he hoped that the right hon. Gentleman would on the present occasion state to the House what those conditions were.

MR. AYRTON said, that he considered that the objections to the Bill were so serious that, were it not for the general desire which appeared to exist in the House that it should be read a second time, he would have felt bound to move that it be read a second time that day six months. The period had arrived when the attention of the House and the country should be called to the state of these savings banks, and more especially to the constitution of the Government Board which had attempted to undertake, but which had not really undertaken, the duty of watching over the funds of those institutions, for of all the Boards ever constituted by Parliament none had exhibited such an entire absence of all those qualities which might be expected from a public body. Many Members might be aware of the large deficiencies which had been brought under the notice of the House by an hon. Gentleman opposite (Sir H. Willoughby) on a previous occasion; but perhaps few had taken the trouble to inquire into the cause of that deficiency, and for his own part he could say that when he came to inquire into the cause he had been startled at the neglect which had been exhibited by Commissioners in keeping these banks on such a footing. Savings banks were first established in the year 1817, and the Parliament of that day had begun upon the erroneous principle of allowing the depositors a larger rate of interest than the funds in the hands of the Commissioners could produce. It soon became manifest that there was a considerable deficiency between the interest which the Commissioners received and that which they allowed, and in the course of a few years that deficiency amounted to no less than £588,216. In the year 1828 the Commissioners had thought fit to bring the subject under the notice of the House of Commons, and the rate of interest allowed by the Commissioners was then reduced to £3 16*s.* per cent. It soon appeared, however, that from various causes it was impossible to pay that rate of interest without incurring a loss, and in 1843 the deficiency had amounted to no less than £2,171,192. Another attempt was then made to meet the difficulty by reducing the rate of interest to £3 5*s.* At that time it would have been possible by proper investments to obtain a rate of interest sufficient to pay the depositors and leave a surplus, but the Commissioners did not examine fully into the circumstances of the times, and they having retained some of the funds at the old rate of interest, the investments which they made did not return a sufficient rate of interest to pay the depositors, so that the deficiency had gone on accumulating, until, in 1855, it amounted to £2,962,000, which might be looked upon as a capital debt. Such had been the results of the dealings with regard to interest, but the dealings with the capital fund had been no less unsatisfactory. In 1817 there had been a surplus of nominal capital of £232,550. In 1827 the surplus of nominal capital was £1,291,170. In the year 1828 the Commissioners obtained power to invest the capital in Exchequer bills, and in 1843 the surplus of nominal capital had been reduced to £135,480, and the deficit since 1843 had been £1,680,000, the total result being that there was a deficiency from 1843 to 1855 of £1,000,000. Such had been the result of the management of these banks by the Commissioners; and the very serious question then arose as to whether they were fit to be trusted with the management of the affairs of the savings banks, and certainly it was a marvellous thing that they should have managed in twelve years to create a deficiency of £1,000,000. Even since 1855 the management of the Commissioners had not in any degree improved, and it certainly had not been calculated to increase the confidence of the public. What had been the nature of the dealings of the Commissions since 1855 was seen from a return which had been laid upon the table of the House, and certainly it was entirely at variance with what he had always understood to be the mode of dealing with regard to investments. He found that in July, 1854, the funds were at 91; in December they had fallen to 87, and then the Commissioners sold to the extent of nearly half a million of money. No doubt the Chancellor of the Exchequer might have seen things in a different light from the public, and from what he knew of the state of affairs, might have anticipated a further fall; but certainly no further fall occurred. On the contrary, a turn took place; the funds rose to 89, without any impression prevailing that they were likely to sink again, or that they were likely to remain so low. They sold £1,200,000 and £470,000 of new three per cents. The money was applied in purchasing Exchequer bills, and the result was a loss of 12 or 13 per cent. It was by such means as that that from time to time, up to the present day, a sum of £1,200,000 had been lost to the public. It might be contended that the money had been laid out for the benefit of the country; but the question then arose whether it ought not to have been kept apart as a guarantee for the amount deposited in the savings banks, and whether it was ever meant to be placed at the disposal of a body of Commissioners, to be made use of, perhaps, in order to prop up a system of finance which might otherwise have failed, because it had not been based upon sound and legitimate principles? Now, his first objection to the Bill under the notice of the House was, that it did not deal with the important question whether those Commissioners were to be allowed to use the capital of the savings banks without making effectual provision for the annual interest due to the depositors. That, however, was not his only objection to the measure. The Bill was put forward as affording a guarantee to depositors and the opportunity had been taken of introducing a new principle. He was also opposed to it, therefore, upon the ground that it proposed to establish Government savings banks throughout the country—a proposition which he regarded as pernicious in principle and calculated to be still more pernicious in its effects. He felt bound to protest against the Bill as one of a series the tendency of which was to increase the control of the Government over the action of the people. If the House was prepared to legislate in that direction, if it was prepared to do the business of stockbroker for the public he did not see why the principle should not be carried still further, and why the sale of bread should not, as at Paris, be regulated by means of a Government agency. The Bill was, in fact, in principle a measure of the purest Socialist character, and, he having studied the works of the Socialist writers of France, must say that while he derived pleasure from the beauty of their composition he had become perfectly sensible to the necessity which existed for refusing to act upon the views which they advocated in any legislative measure in that House. Their idea was that it was the duty of a Government to discharge every function for the people which they imagined could, by the aid of a certain machinery, be better performed than each individual could accomplish it for himself. Before the Parliament of this country embarked upon such a course they ought, in his opinion, to be well satisfied that an imperious necessity for its adoption prevailed. No such necessity, he must contend, existed in the present instance. So far as his experience went, savings banks were in the greater number of instances most efficiently managed by the aid of the local gentry, and the principle of that management was one which he should be delighted to see encouraged. There was, in his opinion, nothing more conducive to bind the humbler to the more influential and wealthy classes than a system of that nature, and he could conceive no course more calculated to destroy that sympathy which it was so desirable to see prevail between the higher and the lower classes than that by which the free action of the gentry should be superseded by a stipendiary agency maintained out of the revenues of the State. Such a stipendiary agency it was proposed to establish under the operation of the Bill under discussion. It was simply a secondary feature of the measure, but it provided that banks now in existence might or might not accept the guarantee which was held out to them. Once having accepted that guarantee, however, they would be subject to such rules as the Government might deem it desirable to lay down, and the result would be a step in the direction of the system which obtained on the Continent, where every function of the community was usurped by what was called the civil service of the country. To any such system as that he for one was most strenuously opposed. [*Cries of* "Divide, divide!"] Some hon. Members, no doubt, objected to all comment which was adverse to the Government; but happily the location of those hon. Gentlemen in the House pretty clearly indicated the spirit by which their interruption was occasioned. There was, besides those which he had already mentioned, another most serious objection to the Bill. It was to be the manual of action for every man interested in managing the 600 savings banks in the country. Now, in legislating on this subject, the terms of legislation ought to be clear and precise, and the House ought not to accept a Bill which was not clear enough to be read in connection with existing Acts. In his opinion, therefore, before any great change in the law relating to savings banks was effected, those laws which were already in existence upon the subject ought to have been consolidated. Instead of that course having been taken, however, the Bill simply set forth that all the existing Acts should be deemed to be altered so far only as they were inconsistent with the present measure. Now, inasmuch as the various clauses of the existing Acts were extremely numerous it would require the exercise of no ordinary intelligence to ascertain how the law after the passing of the Act would really stand, and such he must maintain was not the mode in which a Bill dealing with a subject so important ought to be framed. He should be disposed to remit this Bill back to the Government in order that some of the clauses might be reconsidered, and the whole of the law on the subject of savings banks consolidated. Very few provisions would be sufficient to secure the depositors against loss. If an audit were necessary, the trustees and managers might be called upon to appoint a local auditor. It would be impossible, without an enormous expense, to send these stipendiary auditors about the country. A large staff of Government auditors would be required, and more money would be spent in their wanderings about the country than would be spent in the discharge of their duties upon the spot. What objection could there be to allowing the trustees of savings banks themselves to elect a Board in London for the purpose of taking charge of the aggregate funds of the banks? Such a Board would be greatly preferable to any Government Board. It would do everything that could be expected from a Government Board, and it would make the savings banks independent of the Government. At present, when the funds were high, the Chancellor of the Exchequer for the time being was tempted to tamper with the interest. The last time the funds were at par the Chancellor of the Exchequer proposed to reduce the interest to little more than £2 10*s.* per cent for the depositors. If, instead of being obliged to invest the savings banks money in Consols, such a Board as he had described were allowed a larger discretion, they might discover perfectly safe investments, which would enable them to allow an interest of probably three or four per cent. At present the depositors complained of the low rate of interest. If other hon. Members had appeared likely to support him he should have been inclined to move that the Bill be read a second time that day six months.

MR. M'CANN said, that he believed that the public, who knew their own interests better than they were supposed to do, were unanimous in applauding the measure of the Chancellor of the Exchequer. He had seldom known a measure which had been received with such universal approval, and he trusted it would shortly pass into a law. He could by no means approve the scheme of the hon. and learned Gentleman to transfer the management of the funds of the savings banks to a body of gentlemen such as he had described.

SIR HARRY VERNEY thought it reasonable, if the Government were to guarantee the depositors their money, that they should have the appointment or control of the officers of the banks. He did not, however, wish to see the House devolving upon others the powers of legislation which the House itself ought to exercise. Instead of giving the Comptroller of the National Debt and the Treasury the power to make rules, the House ought at once to embody the conditions in the Bill to which the deposits were to be subjected. The depositors in savings banks at present put their money in those institutions from their confidence in those trustees and managers whom they knew. It was to the interest of these institutions that they should do so, and great good was done by the advice given by these gentlemen to their servants, labourers, and dependents to invest their money in savings banks. He should like to see the whole question referred to a Select Committee. It would be said that it was desired thereby to defer the Bill for a year, but it was so important to legislate wisely on such a subject, that he should be happy to support a Motion for referring the Bill to a Select Committee.

MR. BARROW said, that he quite agreed in what the hon. Member who spoke last had said, except when he expressed a wish to refer the Bill to a Select Committee. He thought the people ought to be fully made acquainted with the actual state of the law, and not left in any doubt on the subject. If any alterations were necessary, let them be made in the law, and be properly defined. The principle of the Bill was objectionable, for it transferred the power of making laws and regulations to an individual or a board. Now, he was unwilling to give any individual or any board such an arbitrary power, for the rules which would be made by these persons would be *ex post facto* laws, and would be so great an interference with the management, that he, although he had been a trustee for forty years, would be obliged to give up his connection with such institutions altogether. He thought the right hon. Gentleman ought to consider how many of the depositors would withdraw their deposits if this Bill passed. At all events, he could not give his assent to the Bill in its present shape.

MR. SOTHERON ESTCOURT said, he would venture to put the question in another shape. Let the depositor be consulted. Take him under the old Act of

Parliament which did not give him any security for his savings, and then let him be asked whether his condition would be improved under a new law which did give him security. The new system would afford such a security, that under it the Government would be responsible for the last farthing of the deposits. If they were approaching this subject for the first time, the plan proposed by the Government might not, perhaps, be the most prudent that could be devised. They had, however, to deal with a practical difficulty; and what was that difficulty? Why, some thirty or forty years ago, a number of gentlemen established banks in various parts of the country for the savings of their poorer neighbours. After a certain time Parliament stepped in, and established certain regulations. If the trustees and managers, who now spoke in the names of the depositors, would engage to become personally responsible for all deposits entrusted to them, he would rather have their responsibility than have a law which put these banks under Government. Centralization was, no doubt, the chief object of this measure; but could they avoid this when the practical difficulty they had to deal with was, the want of any solid security for the poor depositor. It was all very well to condemn Government interference; but what had been their experience without it? Had there never been such a thing as a defalcation in savings banks? Had they never heard of Rochdale or Dublin? He had a return which he had moved for, and he found that there were eleven savings banks in which there had been defalcations within the last five or six years. Now, any gentleman who looked into this matter would find that these defalcations arose, for the most part, through the roguery of some officer in whom the most implicit confidence had been placed, and whose integrity was supposed to have been tested by long service. There was actually a case in which an officer absconded at the very time when a correspondence was pending between the managers of the savings bank and the National Debt Commissioners, with a view to procure for him an additional gratuity for his long and faithful services. But that was not all. These defalcations took place, for the most part, in banks the books of which were the best kept, where there was the least appearance of fraud, and where the managers thought they had had, year after year, a most complete and satisfactory audit. The books of the Rochdale bank were allowed by the actuary sent down from London to inspect them to be well kept, and its audit to be satisfactory; but, in consequence of the nature of the business transacted, the most praiseworthy efforts of the local managers failed, under the present law, to insure a perfect audit. He was sorry to see the strong feeling that had been manifested against the Bill by hon. gentlemen who had been managers of these institutions in the country. He trusted they would recollect that, let them be as good managers as they pleased, they could not keep up an efficient superintendence. Each manager took only one day in one week; he served for a year, and was then discharged from his duty. The next manager could know nothing but what was told him by the actuary. He thought that the law of savings banks, as at present established in this country, was a disgrace to Parliament. He had been in Parliament more than twenty years, and in almost every one of those twenty years defalcations had taken place, and the Government was constantly applied to for a remedy in the name of the industrious classes. The working classes had thought that Government provided them a security, and nothing but repeated acts of insolvency had at last disabused them on this subject. What was their remedy? They must either let the gentlemen in the country who managed these banks give the security, or they must leave the matter in the hands of the Government. There were two parties interested—one the poor man, the other the Government. He was far from agreeing with the censure that had been cast on this Bill. So far from fearing that the interference of Government under this Bill would be too great, his only apprehension was lest the Government did not arm itself with sufficient power. Government was about to take on itself a great responsibility, in undertaking to repay the depositors to the last farthing all they put in the savings banks. It would require very cautious inspection; and he did not know whether the right hon. Gentleman had reserved to himself sufficient power of interference. But what fear need any manager in the country, or any actuary who carried on the affairs of a bank honestly, from the interference of Government, which would have enough to do in looking after really suspicious cases, to think about meddling vexatiously with banks conducted on tolerably sound principles? For his part, he looked on the Bill as a boon to the poor, as giving a sure guarantee in the place of that which was now a mere sham. If they faltered in carrying this Bill into execution, if they did not give security, how did they know but that the depositors, their attention having been called to the subject, learning that Government was not bound, and that the trustees were not bound, would withdraw their money, and cease to have confidence, not only in the Government, but in Parliament. It was because he earnestly wished that this Session would not pass without a Government Savings Bank Bill becoming law, that he hoped the right hon. Gentleman would persevere with this Bill; but, even if this Bill did pass, he joined his voice with that of others in entreating the Government, after giving to the poor man the guarantee which he did not now possess, to give to the public generally more accurate information on the subject, a more clear account of how the money had been applied, and how the great difference between the money paid in and the assets to meet it, and which was called a deficit, had arisen. That information ought to be given, if only for the purpose of showing the groundlessness of those suspicious observations which had been made against this Bill; and therefore, though he heartily concurred in giving his voice for the second reading, he joined with other hon. Gentlemen in entreating the Government to give them a Select Committee, not in order to shelve the Bill for the Session, but next year, for the purpose of assisting the Government, and giving to the public that information which they ought to have.

Mr. ATHERTON said, however various the opinions of hon. Members might be as to this Bill, there could be but one opinion as to its importance. It concerned the interest of so vast a number of their fellow-subjects that he was quite sure that House—the poor man's House—would grudge no time in considering it, with a view to frame such a Bill as would attain the object they desired. He objected to certain portions of the present Bill, but, as he was anxious that it should become law, he would heartily vote for its second reading, and endeavour to amend it in Committee. The savings bank was the poor man's bank, managed by volunteers from the wealthier classes, and he apprehended, therefore, that in any legislative action on this matter there were two parties to consider—the depositor on the one hand, and the manager on the other. His objection to the Bill in its present shape was twofold, for it appeared to him to endanger the stability, the perpetuation, the efficacy of these establishments in each of these two respects. First, with regard to the depositor himself. They must always bear in mind that there was no compulsion on any man, rich or poor, to deposit his money in the hands of any other man. The 11th clause of the Bill made it incumbent on the depositor to take his book from time to time to the bank for the purpose of inspection and comparison by a Government officer. No objection could be made to the most ample opportunity being given to the depositor to avail himself of the security which the comparison of his book with the books of the establishment conferred; but when they bore in mind the comparatively small sums which stood in the names of the respective depositors, and the distance at which many of them lived from the bank, it struck him that the clause in its present compulsory shape would deprive many well-meaning persons of the advantage to be derived from these institutions. The next reason why he apprehended that the Bill as it stood would endanger the existence of those banks was, that there was a general impression amongst the managers that the interference authorized by the present Bill went beyond what the necessity of the case required, and if it passed in its present shape many gentlemen in different parts of the country, whose support was required for the continuance of these banks, would withdraw from them. He agreed with those hon. Gentlemen who thought that the Bill in its present shape, as well as the whole matter, should be referred to a Select Committee. It would be in the memory of many who were Members of the late House that a cognate matter—the Friendly Societies Bill—was referred to a Select Committee, and he was happy to say that the results of the labours of that Committee, in legislation, had been most satisfactory, so satisfactory that he could not but think that in a matter like this the better course would be to refer it to a Select Committee, even if so doing did shelve the Bill for the present Session, because he felt that in a matter which so much interested the working classes every care should be taken to legislate as perfectly and satisfactorily as possible.

MR. HENLEY said, the hon. Member for Wiltshire (Mr. S. Estcourt) had omitted to show in any one particular how this Bill would remedy the defects in the existing savings banks. [Mr. S. ESTCOURT: I alluded to the proposed Government security.] But the hon. Member had stated as emphatically as possible, that every effort which the Government might make to ascertain whether a savings bank was solvent or not would fail. And the hon. Member gave the true reason—that they could not get in the books of the depositors. The Bill before the House was intended to make the audit perfect, but it did not point out how that was to be done. The hon. Member, who was, no doubt, well affected towards the Bill, said that it did not contain powers enough, and did not go far enough; but the people who were to be subjected to its operation were anxious to know what was the nature of the powers which the Government had already asked for with reference to savings banks. By what means did they propose to ascertain the solvency of a savings bank? The public had a right to know on the face of the Bill what the regulations were which the Government meant to impose. He (Mr. Henley) could understand the view of his hon. Friend the Member for South Wiltshire, that it would be better for the Government to take these things into their own hands, and employ their own agents to go about the country to carry out their own regulations; but he could not understand how they should say to institutions already established with staffs of their own that they were to be governed entirely by a new code of arbitrary rules. The question was one of great difficulty. Depositors could not be made to bring in their books; and therefore the solvency of any savings bank could only be approximated. There might be 75 or 80 per cent of the depositors' books brought in annually, and it was only from those which were so brought in that the solvency of the bank could be judged. The country, therefore, had all the greater right to know what were the regulations to be proposed by the Government, and how they meant to get a better audit than that which already existed. It was no trifling matter to create distrust among the depositors of savings banks; and he (Mr. Henley) could not conceive how, with the subject before them for two or three years, the Government and those who managed the national debt—for they were the real parties who had the scheme in hand—should not have laid the knowledge they possessed on the subject before the House. If they had no scheme in all that time, then he (Mr. Henley) had a right to assume that the Government were about to make an experiment to the manifest inconvenience of all parties. He would not oppose the Bill if the Government put on the face of it the conditions which they intended to propose for the regulation of savings banks, but he would in Committee give it his best assistance. But if they did not, he would oppose the measure until at least the House was made better acquainted with it than they were at present. He did not object to the nature of the Bill, but to the absence of that information which it was necessary to have on the subject.

COLONEL SYKES said, he wished to call the attention of the House to the resolutions of a meeting of managers of savings banks recently held at Huddersfield, which involved suggestions of great importance. They stated that, according to the last general balance sheet of the whole of the savings banks in the United Kingdom, and which was made up to the 26th November, 1856, there was, as between the liabilities of the savings banks of the United Kingdom and their assets, a deficiency in the latter to the extent of £5,201,458 8*s*. 3*d*., for which the Government was responsible, and the causes of the deficiency should be ascertained. The meeting in question recommended that the deposits in savings banks should be employed for the interest of the depositors only, and should be kept apart from every other branch of the public service; that, inasmuch as during the last seven years there had been a constant deposit of upwards of £30,000,000, it was desirable that half that sum at least should be lent out on landed security to pay the depositors 3½ and 4 per cent., instead of 3 per cent., the present interest on their money. There were several other suggestions which might fairly be considered by a Select Committee, but which could not be advantageously discussed in a Committee of the House. The proportion of failures to the entire number of savings banks in forty years was very small, namely, eleven in 584. There was not any necessity, therefore, for hasty legislation on account of the present insecurity of the savings banks. The interests of the Government, as well as those of the working classes, were involved in the proposed

Bill, and he should consider it his duty, when the Order for going into Committee was read, to divide the House on the question that it be referred to a Select Committee.

Sir HENRY WILLOUGHBY apprehended nothing but evil from the operation of the Bill as it at present stood. He thought the preamble was quite untrue. It stated that there had been considerable losses to the depositors, but the fact was that only eleven banks had failed, in ten of which there had been no loss to the depositors; for the trustees and managers had made up the defalcations by voluntary subscriptions. In the case of Newport there had been a considerable defalcation, but 17*s.* 8½*d.* in the pound had been ultimately paid, and there was still a small balance in hand. These facts spoke volumes for the integrity of the country and the character of the trustees. In fact, the defalcations of all the savings banks of the kingdom did not amount to a farthing in the pound on the deposits since the year 1817. Such losses certainly did not justify the remodelling of the whole system. There had been one serious case of loss—that of the Cuffe Street Bank, in Dublin, but that arose entirely from the proceedings of the officers of the National Debt Office, who went on year after year registering a defalcation, and allowed the bank to go on, knowing that it was not solvent. The defalcations beginning with £4,000 had ended with £64,000, while its assets were only £94, and the taxpayers of the kingdom had paid a fine of £32,000, for the neglect, out of the public Exchequer. It was proposed that the Commissioners for the Reduction of the National Debt should have the management of all the savings banks in the country. Now, who were these Commissioners? Did they exist as a body? Why, they had long since ceased to exist as an active Commission. They never met now. If, as he supposed, the Chancellor of the Exchequer was the Commission, why not put him into the Bill *eo nomine,* and then you would come to the real state of the case? But ought the Chancellor of the Exchequer to have the power of establishing these banks throughout the whole kingdom wherever he pleased? Let the House consider the present position of things. It was now avowed that £35,500,000 of money was a fund which might be jobbed by the Chancellor of the Exchequer. The right hon. Gentleman did not conceal the fact at all. Surely, however, it was a monstrous proposition that the Chancellor of the Exchequer at his own sole will and pleasure should buy and sell any amount of stock, operate at any time on the market with a view, as he said, to prevent injurious depression, and, in fact, become a regular stock-jobber. In all the eight statutes which had passed on this subject there was no mention of the Chancellor of the Exchequer, and it never entered into the mind of the Legislature to hand over the administration of the fund to that official. He trusted that the House would be cautious how it legislated upon this question. The depositors were becoming alive to the principle involved, and many of the trustees and managers would, he believed, immediately resign their offices if this Bill passed. These gentlemen knew what it was to be troubled, and teased, and pestered by officials from a department in London; they knew that the operation of the Bill would be disagreeable to them, and, perhaps, disastrous to the interests of the depositors. It was on these grounds that wishing well to savings banks in this country, he entreated the House to take care lest they destroyed these institutions, for he really believed there was serious danger of such a result if they passed this measure. He objected to the Bill, because it dealt in sham names, and attached responsibility to a body which had no real existence, instead of imposing it upon some one whose position was clearly defined and who could easily be got at. Another objection was that the conditions for the regulation of these banks were not clearly laid down, the result of which would virtually be to intrust legislative power to subordinate officials. He would not, as he had intended, move that the Bill be read a second time that day six months, but he trusted some hon. Member would move to refer the Bill to a Select Committee.

Mr. GLYN said, he was not one of those who thought it necessary to refer this Bill to a Select Committee. He had received numerous communications from various parts of the country concerning it, and speaking on behalf of the depositors, he maintained that the principle of the measure received the general sanction of that body of persons, for they were very anxious to receive the security of the Government. He agreed with the right hon. Gentleman (Mr. Henley) in the difficulty of the question relative to trustees and managers, but the House was bound to consider that the Chancellor of the Exchequer had shown every desire to meet the requirements of those individuals. The right hon. Gentleman had also stated that he was willing to lay on the table the regulations under which the savings banks were to be conducted. Now, if the right hon. Gentleman did that when the Bill was in Committee, every objection arising out of this point would be answered. At the same time he (Mr. Glyn) confessed that the Bill did not carry out all the objects which he thought ought to be carried out. In his opinion, the existence of a deficit of £5,000,000, as shown in the account connected with these savings banks, was positively disgraceful to the country. This question, however, was not necessarily mixed up with the present Bill; it must be considered by itself. He did not think the Treasury should be altogether tied down as to the amount of funds of this description left in its hands, for they might be used advantageously for the public; but he thought Parliament was to blame for the lax way in which it had allowed the power given to the Treasury to be employed. He thought that the Commissioners should every year report the operations on which they had engaged, and their reasons for entering into them; that these Reports should be laid before that House, and then it would be in the power of Parliament to impose, if it was necessary, a check. He approved the Bill before the House, and thought it would be for the interest of the country that no delay should take place in passing it into a law.

MR. MAGUIRE said, there was a general opinion in Ireland in favour of this Bill, for the people wanted Government security instead of no security. In reference to audits of banks, he had to say that there was an excellent system in the Cork Savings Bank, and that when that bank was closed eight times annually, the officers were able to ascertain the state of the bank to a single farthing, and he advised the Government to put themselves in communication with the managers of that bank. For his own part, he was willing to allow the Government a little tyranny if it would only preserve the property of honest labour from the hands of rascally officials.

THE CHANCELLOR OF THE EXCHEQUER said, that the object he had exclusively in view in proposing this Bill to the House was the interest of the depositors in savings banks. It had been admitted on all hands that, for many years, the present state of the law on the subject was not satisfactory. Several Bills had in successive years been brought under the consideration of the House, but no one had hitherto been so successful as to obtain its assent. Nevertheless, it was an admitted fact that the state of the law was unsatisfactory; that the responsibility of managers and trustees for the deposits which once existed had ceased; that no other guarantee had been substituted for it, and that loss had in many cases accrued to depositors. In that state of things he felt it his duty to propose this measure to the House. Unquestionably he had no thought of interfering with the legitimate influence of managers and trustees, or of diminishing those useful labours which they had for so many years exercised in their respective establishments; but, for the purpose of guarding, not the interests of the Government, but the interests of the Exchequer, he had felt it his duty to propose a certain control over the paid officers of these establishments. The power thus taken was embodied in the third and fourth sections of the Bill now before the House, and it had undergone revision with the view of reducing it to such an amount as should be sufficient for the protection of the country. The hon. Member for the Tower Hamlets (Mr. Ayrton), who spoke at length against the Bill, raised up a man of straw which it was not very difficult to demolish. In the first place, he stated that the Bill created a number of stipendiary officers under the absolute control of the Government; but if he referred to the clauses of the Bill he would find that the Government had not the power of appointing any of the local officers of savings banks. That power was expressly reserved to managers and trustees, and the only officers the Government took the power to appoint were the auditors, who were not local officers at all. That was one essential misconception as to the intentions of this measure. The hon. Member further overlooked the fact that this was not a compulsory but a voluntary measure, and that it did not interfere with any existing bank. No existing bank that objected to the provisions of this Bill was bound in any way to come under its provisions, so that any bank now existing might, if it thought fit, continue as at present, without the slightest reference to the Government or the inspection of the Comptroller General, even if the Bill should become law exactly as it now stood. Much has been said of the financial part of the question, which was not necessarily involved in the measure before the House, and whatever objection might be made to the management of savings-banks money would equally apply if this Bill was not proposed. He did not think it necessary at that hour to follow the hon. Member through all the figures he had quoted. He would only say that if this Bill became law he would be prepared on a future occasion to offer the fullest information on the subject that could be desired, and to submit the whole of the management of the savings-banks money to the investigation of a Select Committee. He wished to remark, however, that the chief part of the deficiency which appeared in the accounts of savings banks had arisen from money being over credited to the banks—that was to say, it had arisen from the banks having received more money than they had paid in, and not from the variations of securities made by successive Governments. He did not know how the hon. Gentleman arrived at the conclusion that about £1,000,000 had been lost by variations in the securities, but according to his (the Chancellor of the Exchequer's) calculations less than half the sum would be nearer the mark. He wished to advert to one point alluded to by the right hon. Gentleman the Member for Oxfordshire—namely, the conditions on which a bank would be admitted to the benefits of this Bill, as these were now defined. He did not apprehend that any further definition would be necessary; but, with regard to the regulations contemplated by the second section, these related to a matter which represented the actual difficulties of this measure. The right hon. Gentleman asked, first, whether, if he had not matured such regulations, he was not proposing a measure blindly; and, in the second place, whether, if he had matured them, he was prepared to produce them to the House? Now he had not proceeded blindly, as he had prepared a set of regulations which had already been submitted to some of the most experienced actuaries and officers of savings banks. It was his wish in framing regulations to act on the advice of those who possessed the greatest experience. Nothing was further from his intention than to interfere with the management of well-conducted banks—such as that of Manchester, alluded to by the hon. Member for that town, who had addressed the House: nor was he disposed to give any arbitrary powers to the Government; but the difficulty was, that some banks were well managed, and some less well managed; some were large and some small, and it was no easy matter to frame such a set of regulations as could be made applicable to all. If a set of regulations were inserted in the schedule of the Bill they would be beyond the power of alteration, and great difficulty and disadvantage might arise from attempting to apply an inflexible rule to the varying circumstances of so many different savings banks. That was the reason for not embodying those regulations in the Bill. He should wish to see the power now held by the trustees and managers of well-conducted savings banks exercised as it had hitherto been; but he did not feel justified in proposing any measure making the Public Revenue responsible for a large amount of deposits without assuming such a control as would prevent the placing of so great a portion of the public income annually in serious jeopardy. With this explanation he trusted that the House would read the Bill a second time.

Bill read 2°, and *committed* for *Monday* next.

JOINT-STOCK COMPANIES ACT AMENDMENT BILL—COMMITTEE.

Order for Committee read.

Mr. FORSTER was understood to appeal to the Vice President of the Board of Trade on behalf of a Bank and Company which he named.

Mr. LOWE said, the case alluded to would be more properly provided for in a Bill which he should introduce with respect to Joint-Stock Banks. At the same time, he must say that the formation of the company in question was running a very considerable risk, because, although the promoters had obtained very eminent legal opinion, and although the registrar was quite justified, with that opinion, in registering the Company, yet if it should turn out that the opinion was after all wrong, the parties would find not only that they had not limited liability, but that their association was not a legal company at all.

House in Committee.

Bill *considered* in Committee.

House resumed.

Bill *reported. Recommitted* for *Thursday.*

MARRIED WOMEN'S REVERSIONARY INTEREST BILL—SECOND READING.

Order for Second Reading read,

Motion made, and Question proposed, "That the Bill be now read a second time."

Sir ERSKINE PERRY moved, as an Amendment, that it be read a second time that day fortnight, on the ground that another Bill on the same subject which he had introduced had been postponed to that date, and that it was desirable before passing either of the measures that the general principle of the subject should be discussed.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day fortnight."

Mr. MALINS denied that there was any similarity between the two Bills.

Question put.

The House *divided:*—Ayes 151; Noes 6: Majority 145.

Sir ERSKINE PERRY would not oppose the wishes of the House, but wished to express his objection to the Bill, which was one that would enable husbands to pocket the last shred of property which the law allowed to married women. At the same time he should give notice that on going into Committee he should move a clause to retain to married women that interest in reversionary property which now belonged to them by law.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *Monday* next.

House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, June 9, 1857.

Minutes.] *Took the Oaths.*—Several Lords.
The Lord Lovat took the Oath prescribed by the Act 10 *Geo.* IV., to be taken by Peers professing the Roman Catholic Religion.
Public Bills.—1ª Police.
2ª Princess Royal's Annuity.

THE MUTINIES IN INDIA—QUESTION.

The Earl of ELLENBOROUGH: My Lords, I was in hopes that it would not be necessary to draw your Lordships' attention, even for a single moment, to the lamentable events which have recently taken place in India; but more recent accounts, which I only perused last night, have given so grave a character to the mutinies which have occurred in that country that I cannot consistently with my duty abstain from asking a question of the noble Earl who represents the Government in this House. Such of your Lordships as have attended to the recent accounts from India must have read with much regret and pain the account of the mutiny of the 19th Regiment at Berhampore; you must have watched with great apprehension the march of that regiment to Barrackpore and its disbandment, under circumstances of the most perilous character, in the presence of five other native regiments. You must have looked with apprehension at similar appearances of mutiny in the Madras and Bombay armies. But that which has most alarmed me, and which gives a more serious character to all these appearances of insubordination, is that which has only come to our knowledge within the last few hours. I read in the latest accounts from India, that between the 16th and 25th of April there were seven incendiary fires at Umballa, and that the 3rd Regiment of Light Cavalry were in open mutiny at Meerut. How it can be possible that a regiment having no more than 400 sabres could for one half-hour be in a state of open mutiny in the cantonment of Meerut is what I cannot comprehend. At that station there is, I believe, a force of fifty-four guns, forty-two of European and twelve of Native artillery; there is a regiment of European cavalry, the Carabineers; a battalion of the 60th Regiment, Queen's troops; and two regiments of Native infantry. The officer who commands that division had the means of putting down any mutiny in half an hour. Open mutiny is open war, and it is to be met only as open war carried on by an enemy in the field. I cannot but think that there must have been some strange misrepresentation and exaggeration in the accounts which we have received from Meerut. I have, however, looked most carefully into all the statements which we have received as to these mutinies in the Bengal Presidency, and I can come to no other conclusion than that the source of all that discontent and mutiny is the apprehension that there is an intention on the part of the Government to interfere with the religion of the natives. It is impossible to come to any other conclusion. Now, what has the Government done to put an end to that erroneous impression?

When the 19th Regiment was disbanded at Barrackpore there was, no doubt, a passage in a long official paper emanating from the Governor General in Council, and read to the soldiery, which was to the effect that no one could pretend that the Government had at any time endeavoured to interfere with the religion of the people; but I cannot find that any notification has been made, as it should have been, at the quarters of every regiment and throughout the country, of the determination of the Government to adhere to its ancient policy of respecting the feelings and prejudices of the natives. I see no trace of there having been any general notification to that effect. It has been left entirely to the officers at the different stations to make any such notification as they should think fit under the circumstances. When the regiment was disbanded at Barrackpore, General Hearsey addressed it in terms which it is impossible to surpass in reasoning or in eloquence; and he afterwards addressed the whole of the native infantry at that station, and I do not recollect ever to have read at any time or in any history, attributed to any general in command of an army, or to any statesman who had to administer the Government of an empire, any oration more thoroughly reasoning, or more completely eloquent and convincing than the speech of General Hearsey addressed to the army on that occasion. And what should the course of the Governor General have been? Ought he not with his own hand in three sentences to have communicated to the whole country his cordial concurrence with everything which General Hearsey had said, and should he not have made his concurrence with that speech as public as the speech itself was necessarily made throughout the country? I am convinced that if the Governor General had pursued that course we should have heard no more of the incendiary fires at Umballa, nor of the open mutiny at Meerut. But that course was not taken; and although I absolve the Government of India, as a Government, from any intention to interfere with the religion of the natives, I must say that there have been of late—and daily increasing of late—circumstances which were calculated to excite in the minds of the natives great apprehension upon that subject. I saw in a newspaper which I read yesterday the names of colonels, and of six or eight important persons in the civil administration of the country, high in office, mentioned as being connected with missionary operations; and to my great astonishment—I can scarcely believe it now to be true, though I saw it distinctly stated in the papers—that the Governor General himself, Lord Canning, largely subscribes to every society which has for its object the conversion of the natives. My Lords, the Governor General of India can do nothing in his individual capacity. He cannot separate himself from his public character as Governor General. He is essentially the Government of the country. No one looks to anybody else. There may be others who think that they are of importance; but they are not. The only man looked to in India is the Governor General. It is not in India alone, but more particularly in India, that it is generally understood that if a man at the head of the Government earnestly desires anything, it is his intention to enforce his desire and to effect his purpose. I deem that fact of these subscriptions of Lord Canning, the Governor General of India, to societies having for their object the conversion of the natives, if it be true, to be one of the most dangerous things which could have happened to the security of our government in India. We must maintain that government as we have acquired it, by acting on the principles of Ackbar; but we cannot maintain it by attempting to act on the principles of Aurungzeb. You may depend upon it that if persons holding high office in the Government of India, and, above all, at the head of the Government, are permitted to act on this principle, and to indulge their own personal feelings—I do not doubt but they may be acting from conscientious motives—for the purpose of changing the religion of the people, you will see the most bloody revolution which has at any time occurred in India. The English will be expelled from India; and, expelled from that country, they will not leave behind them a dozen sincere converts to Christianity. The question which I wish to put to the noble Earl opposite is, whether instructions have been sent or will forthwith be sent to India, directing the different Governments to make known at every station of the army throughout the country, that the Government will for the future, as in times past, protect all its native subjects in the undisturbed exercise of their religion?

EARL GRANVILLE: My Lords, I have always been the first to express my admiration of the strong feeling of public spirit by which the noble Earl is actuated, and of the sincerity with which he advocates anything which he conceives to be of advantage to our Indian empire; but I do think that he has acted on this occasion somewhat without consideration, and that the remarks which he has just made must have a mischievous tendency in India. Certainly, they can have no good result; and I do think that there is considerable inconvenience in bringing questions before Parliament based merely upon telegraphic information. There is no doubt that this great application of science is attended with this inconvenience—that it is impossible to rely upon the exact truth of any information which is forwarded merely by telegraph. No information connected with the statement made by the noble Earl having reached the Government, except by telegraph, it would be unwise of me to say how far I believe a great deal of that statement to be exaggerated. What astonished me was the attack made upon the Governor General by the noble Earl in the remarks which he made—remarks in which I entirely concur—as to the sacrifice of the really important interests of the country in what may be termed misguided attempts to proselytize the natives. I believe—although himself a sincerely religious man—there is no man more likely to act with judgment in every respect on these points than Lord Canning. I do not speak so much from my knowledge of the noble Lord as from the public and private letters which I have had the advantage of reading on these very points. I do not know whether he has subscribed to any missionary society, or under what circumstances such subscriptions may have been made; but I know that he has to deplore rumours which have been circulated of the most unfounded and ridiculous character, and which will gain some strength by the attack made upon him by a person of the eminence of the noble Earl. Amongst other reports it has been said that the Governor General left this country under a pledge to Lord Palmerston that he would do his best to convert the whole of the native population of India. I mention this just to show the character of the reports which were spread abroad on this point. As a personal friend of Lord Canning I rejoice that, from what I hear, the whole community of Calcutta has been struck with the firmness, judgment, and courage, which he has shown in dealing with the beginning of these mutinous proceedings. I may mention—for it shows what is my noble Friend's opinion on these points—that the first time he exercised his veto on a Bill of the Legislative Council was on account of a clause inserted in the Bill—it was in a Police Bill—which he conceived affected in some degree the religious feelings of the natives. I am glad that my noble Friend has had this opportunity of publicly testifying his opinion of the importance of abstaining from all attempts to interfere with the religion of the natives. I entirely concur in the eulogium which the noble Earl has pronounced on the speech of General Hearsey. That officer addressed the troops in their own language, I believe, in a most eloquent and forcible manner, and with a degree of feeling which seems to have had a great effect on them. I know that Lord Canning had a great admiration for that speech. He has called the attention of the Home Government to it, and to the merits of General Hearsey; and the charge of the noble Earl, therefore, on this point falls to the ground. My answer to the question with which the noble Earl concluded is, that the Government think that Lord Canning has acted with admirable judgment in abstaining from making any such notification as that suggested by the noble Earl. Such a notification, issued when the mutiny was threatened, would have appeared to be some sort of acknowledgment that it was a change in the policy of the Government, whereas it ought to be as patent as possible that it is, and always has been, and therefore always will continue to be, the policy of the Government to afford the greatest possible protection to the natives in the exercise of their religious rights. The course taken by Lord Canning has been more judicious than that pointed out by the noble Earl. The Government approve his not having issued any such notification, and no instructions have been sent to India such as those suggested by the noble Earl.

THE EARL OF MALMESBURY said that, although a friend of Lord Canning's, he did not regret that this matter had been brought forward by his noble Friend (the Earl of Ellenborough). On the contrary, he thought that as the noble Earl opposite (Earl Granville) had told them that the most unjustifiable rumours were in circulation respecting the feelings and opinions held by the Governor General of India with regard to the religious condition of the natives of that country, they were deeply indebted to his noble Friend (the Earl of Ellenborough) for having afforded the Government an opportunity of contradicting such rumours. The noble Earl opposite said we ought not to take for granted the truth of all the statements transmitted by the electric telegraph; but the rumours respecting the Governor General of India on this subject did not rest on such despatches only. He had seen it stated in letters from India that Lord Canning had subscribed to a missionary association having for its object the conversion of the Natives. Their Lordships were perfectly aware how religious a man Lord Canning was, and they also knew that he was a man of calm judgment and great caution. If, however, he had been led by his conscientious and religious feelings to join any association of the kind described, he (the Earl of Malmesbury) would not hesitate to say that, considering the position in which he stood, he had committed a very great error. The noble Earl did not exaggerate the effects likely to have been produced in India had the Governor General subscribed to such associations; for those persons who were engaged in conscientious and estimable exertions to convert the inhabitants of India would scarcely be able to refrain from giving themselves strength and power and importance by quoting his name in their intercourse with the people, and the population of India might be tempted to identify Lord Canning with the missionaries themselves. Knowing, however, Lord Canning's caution and judgment, he could not believe that he had been guilty of so imprudent an act as to mix himself up personally with these associations; and, as a friend of Lord Canning's, he could not regret that the noble Earl opposite had had an opportunity of contradicting the rumours that were in circulation.

THE EARL OF ELLENBOROUGH wished to explain that having seen a statement with respect to Lord Canning, the Governor General of India, having subscribed to these societies—a statement so astonishing that he could not believe it—he thought it right at once to bring the fact under the notice of the Government, because he felt deeply that it involved a question affecting materially the security and stability of our Indian Empire.

THE MARQUESS OF LANSDOWNE agreed with the noble Earl that it was impossible to overrate the importance of this subject. It was of the utmost importance that the conduct of Lord Canning in this matter should stand unimpeached until some specific facts were brought forward to which an answer or explanation could be given. One in his high position should hold himself aloof from any such associations as those which had been referred to. Indifference in such matters, in his public position, was one of the first duties of his Government, nor should he in any degree, or by any act of his, give countenance to such reports as seemed most unaccountably and mysteriously to have prevailed in India. He begged their Lordships to suspend their judgments till they had distinct information as to what were the specific associations and societies to which Lord Canning had subscribed. They would not be prepared to say that he should subscribe to nothing in India, or that the Government should define at once to what he should subscribe and to what he should not. But this he had to say, from not one only, but from repeated communications, both private and public, recently received from Lord Canning, that there was not a man in England—not even the noble Earl himself—who was more aware of the danger of countenance being given to such movements than he was. From day to day he had a full sense of the danger before his eyes, and he showed the greatest anxiety that it should not be possible for any one to deduce from his conduct the inference that he would be guilty of such a charge as the noble Lord had brought forward. Having the strongest public and private friendship for Lord Canning, he was yet prepared to state that if by any error or mistake of judgment—which he did not believe, and which he would not believe without proof—Lord Canning had so acted as to give countenance to such a belief as the noble Earl inferred, he would no longer deserve to be continued in his office as Governor General of India.

EARL GRANVILLE: The noble Earl has just furnished me with the source whence he derived his information—it is from an Indian newspaper—and it seems to me nothing can be more vague. For anything that appeared to the contrary it might be some scientific society, many of which had religious objects in view.

THE EARL OF ELLENBOROUGH: said that what had fallen from the noble Marquess was perfectly satisfactory. He had said that if it were the fact that the Governor General had subscribed to any societies having for their object the conversion of the natives he ought to be removed from the office he held, and thus all danger arising from the error would be completely removed.

THE MARQUESS OF **LANSDOWNE** was understood to dissent from this interpretation. He was quite satisfied that Lord Canning would be able to justify anything he had done, and that no subscription he had given would be found to have the tendency that had been ascribed to it.

PRINCESS ROYAL'S ANNUITY BILL.

SECOND READING.

Order of the Day for the Second Reading read.

EARL **GRANVILLE** rose to move the second reading of this Bill, and said: My Lords, on the assumption that your Lordships will agree with me in the principle that we ought to provide for the support of the institutions of this country, and, monarchy being one of the elements of our consitution, that we ought to deal in a spirit, not of wastefulness, but of just liberality to the Royal Family—that the Royal Family should be maintained in honour and dignity, and that those illustrious ladies, the daughters of our Sovereign, when called abroad, should have a fair and liberal maintenance, it will not be necessary that I should trouble you with many observations. This might have offered a tempting opportunity to allude to certain qualities of Her Majesty; but, though the feelings of affection and respect which we may entertain for the Sovereign may make us more anxious cordially and unanimously to adopt a vote in favour of Her daughter, still I should be ashamed if I based it on any such affection and respect, because I only ask your Lordships to take that course which I believe we are bound to do, not so much on the ground of personal feeling towards the Sovereign, as from a regard to what is due to the feelings and natural pride of the country. The ground I take is, that the provision proposed in the present instance is reasonable, and, being reasonable, I am sure it will be unanimously adopted by your Lordships. Looking to the precedents in such cases, we find that for the Princesses Royal, the daughters of George II. and George III., provision was made by a dowry of £80,000, and an annuity of £5,000. In this case the dowry is less by one-half than that given in former times, while the annuity is larger, being £8,000, instead of £5,000. I know there are some who have thought that to pay down a large sum at once would have been a better arrangement; but I am not of that opinion. I think that when an illustrious lady is married into a great kingdom and into a powerful House, our object should be not so much to make provision for her children as to provide for that independence and that decent splendour which I am sure every one of your Lordships must think ought to attend the eldest daughter of the Sovereign. For these reasons, without dwelling upon the feelings of gratification expressed by your Lordships on a former evening at an event which is likely to reward Her Majesty for the excellent education She has bestowed upon the Princess Royal, and to render the Princess Royal as happy in her future life as we all desire. I now ask your Lordships to give a second reading to this Bill.

Moved, That the Bill be now read 2^a.

THE EARL OF **MALMESBURY** said, although, according to the old proverb, silence gave consent, yet in the absence of his noble Friend the Earl of Derby, he felt bound on the part of the noble Lords on that side of the House, to express his satisfaction with the provision for her Royal Highness which the Bill proposed, and his admiration of the manner in which Her Majesty had exercised Her rule in these realms, and of the bright example which She had set to all her subjects. With regard to the details of the Bill, and in regard to the manner in which the provision is made, as it had passed the House of Commons, it would be useless to discuss the question whether any better plan could have been proposed. For his own part, he was inclined to believe it would have been better to have given a round sum at once, which would have placed the Princess Royal in a more dignified position than as an annuitant of this country. It would be idle, however, to discuss that question now, and he therefore had only to express his concurrence in the object of the Bill which was before the House.

Motion *agreed to.*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Friday* next.

DIVORCE AND MATRIMONIAL CAUSES BILL—RECOMMITTAL.

House in Committee (according to Order) on Re-commitment.

Clause 1 to 16 *agreed to.*

Clause 17, (Divorce *à mensa et thoro* by reason of Desertion of Wife).

THE LORD CHANCELLOR explained that this clause, as it stood, provided that upon desertion by the husband for two years, a wife might apply for a divorce *à mensâ et thoro*. Since the House had last had the Bill before it he had received several letters from men, complaining that there was no provision of a like nature extended to them. Upon considering the matter, it seemed to him that there was no sufficient reason why, upon a man being deserted by his wife for two years, he should not have the right of obtaining a divorce *à mensâ et thoro* from her. He reminded their Lordships that as the Bill stood last year the clause to which the one under consideration answered, merely provided that upon such desertion a wife might petition for alimony. That, however, was but an incomplete remedy, as the husband, to save the payment of alimony, might require the wife to return to him, and thus put an end to her right to the payment. But, by enabling a wife to sue for a divorce *à mensâ et thoro* upon desertion, this was put a stop to, and the further advantage was gained of securing a mode of relief applicable in the converse case to the man. With a view, therefore, to extend the advantages of this clause to males, he proposed the addition of the words "husband or" in the second line of the clause.

LORD ST. LEONARDS said, this Bill sanctioned for the first time the principle that divorces could be granted upon the sole ground of desertion. That he considered to be a very dangerous principle, and would open the door to great collusion. The Select Committee which had considered this subject had recommended that in cases of desertion the Court should be empowered to grant the wife alimony, but not to pronounce a divorce. That was a much more reasonable proposition than the present. As the clause now stood, nothing could be easier than for the husband to absent himself for the very object of procuring a divorce *à mensâ et thoro*. He should therefore move as an Amendment in line 13 to strike out the words "divorce *à mensâ et thoro*," in order to restore the provision for alimony to a deserted wife; and thus replace the clause as it was left by the Select Committee.

EARL GREY rose to order. The Lord Chancellor had proposed an Amendment in line 12, and until that was disposed of their Lordships could not discuss an alteration in line 15. They ought to proceed according to the recognized rules and practice of Parliament.

LORD ST. LEONARDS agreed with the noble Earl, but maintained that the course he had pursued was calculated to save the time of their Lordships. The clause as it stood provided that desertion by her husband should give a wife a right to divorce *à mensâ et thoro*. The Lord Chancellor now proposed to extend the clause so as to meet the case of a wife deserting her husband. Now, his argument was that neither husband nor wife should have a right to divorce for desertion; and if his Amendment to that effect were adopted by their Lordships there would be no necessity for discussing the alteration proposed by the Lord Chancellor in line 12.

EARL STANHOPE thought that much of the irregularity which arose in Committee proceeded from the unsatisfactory mode in which the Amendments were printed. They appeared, not according to the order in which they ought to be taken up, but according to the alphabetical order of the names of the Peers proposing them.

EARL GRANVILLE said, that some latitude should be allowed to their Lordships in the discussion of Amendments applying to the same clause. At the same time he thought the House would gain much if it gave rather more authority to the Peer in the chair. He could not make a proposal of that kind when the Lord Chancellor was presiding, because the noble and learned Lord was a nominee of the Government; but he was at liberty to say that if the Chairman of Committees, an officer selected by their Lordships themselves, were invested with a kind of mild despotism, great advantage would result in the transaction of public business.

THE MARQUESS OF CLANRICARDE desired to know what was the question before the House?

LORD REDESDALE (the Chairman of the Committee) replied, that the question was the Amendment proposed by the Lord Chancellor in line 12. In no circumstances would he have put any other question than that; but it was always open to any noble Lord to suggest that, for the sake of convenience, two Amendments bearing upon the same subject should be discussed together; and it certainly was very convenient to hear explanations as to the whole clause.

Earl FITZWILLIAM wished to make an observation on a word in the second line of the clause. He thought that "separation" should be substituted for "divorce" with reference to the proceeding here contemplated as the result of desertion.

The LORD CHANCELLOR remarked that the clause, as it now stood, provided that any wife deserted by her husband for two years should have a right to divorce *à mensâ et thoro.* Since the Bill was printed he had received a number of letters from husbands stating that a corresponding benefit ought to be given to them. He saw no reason why that request should not be complied with, and therefore he proposed to introduce words in line 12 giving a husband the same remedy if deserted by his wife as the clause now gave to a wife if deserted by her husband. Last Session great discussion took place as to whether in the case of unjustifiable desertion there ought not to be divorce *à vinculo matrimonii*, as was the law in Scotland. The Committee decided in the negative; but their Lordships were generally of opinion that some relief ought to be given, and it was at his own suggestion that, instead of being entitled to divorce *à mensâ et thoro* for desertion, a wife was to be simply enabled to petition the Court, and obtain an order for alimony. Since that time he had changed his mind upon the point, his objection being that the husband might come back and deprive his wife of the relief granted by the Court. What, in his opinion, was necessary was that the wife should have a new *status* under such circumstances. He had, therefore, substituted the present clause, and made provision for a divorce *à mensâ et thoro*, which really amounted only to a separation. The precise question before the House was whether the husband should not have the same relief as the wife.

Lord CAMPBELL said, he did not object to the husband having the same right as the wife to obtain from a competent court, on reasonable evidence, a separation, equivalent to what was known to the law as a divorce *à mensâ et thoro*, which was not, in fact, a divorce, because the parties might come together again and live happily the rest of their days. It was proposed by some that there should be no community of property whatever between husband and wife, and he was surprised that the proposal should have received the sanction of his noble and illustrious Friend (Lord Brougham)—illustrious for his promotion of law reform and his defence of the weaker sex. With married persons there should be community of property as well as of persons; but when a new *status* was acquired by divorce *à mensâ et thoro* the community of property ought to cease. The wife's property would then be protected, and they would hear no more of the cruel instances of husbands returning and sweeping away everything belonging to their deserted wives.

Amendment *agreed to.*

Question again proposed, "That the Clause, as amended, stand part of the Bill."

Earl FITZWILLIAM said, a woman who was separated occupied a different position from a woman who was divorced. The general public did not understand the legal distinction between a divorce *à vinculo* and divorce *à mensâ et thoro.* He would, therefore, move to substitute the word "separation" for "divorce *à mensâ et thoro.*"

Lord CAMPBELL said, that the noble Earl's proposal would unnecessarily introduce an element of uncertainty into the Bill. The phrase "divorce *à mensâ et thoro*" was well known to the law, its attributes well understood, and its import clear and defined. Instead of it the noble Earl proposed to introduce a new word—a word, too, already appropriated to another state of things; and the result would be that uncertainty as to the intent of the Legislature would be created, to quiet which a long course of litigation might be necessary.

The LORD CHANCELLOR would not pledge himself to the precise words, but thought they should insert the words "judicial separation, which shall have all the effect of" before "divorce *à mensâ et thoro.*"

Earl GREY was for reforming legal nomenclature generally, and getting rid of Latin where possible. Why not call a divorce *à vinculo* "a divorce," and a divorce *à mensâ et thoro* "a separation"?

Lord ST. LEONARDS said, the answer to the noble Earl's question was simply because a divorce *à mensâ et thoro* was not a separation—which was a voluntary parting capable at any time of being got over by reconciliation and recohabitation—but a divorce, an utter and total disjunction of the marriage connection so far as "bed and board" was concerned. It would be as well to call things by their right names, even in an Act of Parliament.

THE EARL OF WICKLOW said, the noble and learned Lord's explanation itself showed that there was an ambiguity in the use of the word divorce, which would lead to confusion in common minds, and ought to be removed.

On the suggestion of the LORD CHANCELLOR, words were inserted to the effect of enabling parties to petition for a "judicial separation" instead of a "divorce *à mensâ et thoro.*"

THE DUKE OF ARGYLL hoped it was understood that a corresponding substitution of terms would be made in the rest of the Bill wherever it was necessary.

LORD REDESDALE said, that would be understood as a matter of course.

On the Question, "That the Clause, as amended, stand part of the Bill,"

LORD ST. LEONARDS said, he thought the substitution of "judicial separation" for "divorce *à mensâ et thoro*" was a very unwise one, altering as it did, and without, as it seemed to him, due consideration, a well-understood phrase which had been known to the law from the earliest times. Their Lordships could not define what "judicial separation" was. Besides, he might remind them that an alteration of terms did not change the substance of the thing meant, and it was therefore desirable to adhere to the old phraseology. The noble Earl (Earl Fitzwilliam) seemed to speak of "judicial separation" as if it were something distinct from "divorce *à mensâ et thoro*," but it was, in point of fact, the same thing. He conceived that their Lordships' object was not to separate a man and wife without sufficient cause, but rather to restore wherever possible the restoration of conjugal rights. Why then, that being their object, grant a divorce *à mensâ et thoro* to a husband or wife who might be deserted for two years? He (Lord St. Leonards) believed the intention of the Committee upstairs, on whose Report the Bill was founded, was to adhere as nearly as possible to the established law, but to give a new tribunal, and readier means of access to that tribunal, to all classes of the population. He would move that the clause be omitted.

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Petre, L.	Vaux of Harrowden, L.

Clauses 18 to 21 *agreed to.*

THE LORD CHANCELLOR said, he now rose to propose a clause with reference to a question which occasioned considerable discussion when this Bill was last before their Lordships—namely, as to the punishment of persons who were guilty of adultery—namely, whether by imprisonment or by a money fine in the event of adultery being declared a misdemeanour. It was originally proposed by this Bill that an action of *crim. con.* should not be brought until after a divorce had been obtained. That proposition was very fully discussed, but it was not satisfactory to their Lordships, and it was rejected. The noble and learned Lord opposite (Lord St. Leonards) proposed that adultery should be constituted a misdemeanour, and that proposition had been provisionally adopted. In the interval he (the Lord Chancellor) had considered with great attention the propriety of carrying that suggestion into effect. He had, however, arrived at the conclusion that it was not desirable to make adultery a misdemeanour, for on many accounts it would be extremely difficult, if not impracticable, to carry out such an enactment. It would, for instance, be necessary to make exceptions where the adulterer was not aware that the woman was married, for in many cases traps might be laid, and a man might find himself accused of a crime which he had no idea of committing, or of having committed any crime cognizable by the law. Again, it was obvious that a very easy mode of extorting money by collusion would thus be afforded, and he thought the evil likely to result from such a change of the law would counterbalance its advantages. The two objects which they should endeavour to accomplish were, first, to render the commission of adultery less frequent; and, secondly, to take care that, when proceedings were adopted for obtaining a divorce *à vinculo matrimonii*, there should be a *bonâ fide* resisting party, and that no collusion should take place. He now proposed a clause with the view of carrying out those objects. What he suggested was that any person seeking to obtain a divorce *à vinculo matrimonii* should not be at liberty, as he now was, to proceed against the wife alone, unless the court should declare that there were special reasons for sanctioning such a course; and also *a fortiori* that he should not be enabled to proceed against the adulterer alone in the absence of his wife, so as to fix adultery on her in her absence; but that in every case when the husband sought a divorce *à vinculo matrimonii* on the ground of adultery, he should present a petition to the court praying that both parties should be made respondents or defendants in the case. Both the parties, the alleged adulterer and the wife, would thus be before the court, and the action would be *bonâ fide* resisted. As to the punishment, he should propose that the Court should have the power to impose a fine upon the paramour, and that fine, with the view of indicating that it was not intended to be merely a nominal one, he should propose to limit to an amount not exceeding £10,000. The amount had been objected to as being excessive, but it was only intended to indicate that it should not be a merely nominal fine. He, therefore, now proposed the insertion of a clause, to the effect that in actions for adultery both the wife and the adulterer should be made parties to it; and that a decree of divorce against the wife should also be a decree condemnatory of the adulterer, and subjecting him to such a fine as the Court in its discretion might impose. He believed that such a course would be the most practicable, and one most likely to prevent the commission of the offence, because it would not only have the effect of exposing the conduct of the parties and inflicting a heavy fine upon the paramour, but every one charged would have proper notice of the action and an opportunity of defending themselves. The noble and learned Lord then proposed his clause, as follows—

> "Upon any such Petition presented by a husband the Petitioner shall make the alleged Adulterer a co-respondent to the said Petition, unless on special grounds, to be allowed by the Court, he shall be excused from so doing, and the Respondents, or either of them may insist on having the alleged adultery tried by a jury as hereinafter mentioned."

LORD BROUGHAM said, he entirely approved of the plan proposed by his noble and learned Friend. They were all agreed in condemning the action for criminal conversation, but the difficulty was how to prevent the adulterer and the adultress from going free. Many years ago Pitt, Fox, and Grenville, and others who edified and adorned the two Houses of Parliament, expressed it as their opinion that the action for criminal conversation ought to be abolished, and that a substitute for it ought to be provided by making adultery an offence liable to be visited with punishment. Of the same opinion was that renowned advocate and splendid orator—the chief of the legal profession in his day—Erskine, many of whose immortal laurels were gained in connexion with actions for criminal conversation; and in that opinion Lord Eldon entirely concurred. He had before alluded to the injustice and hardship inflicted upon women by that action; and of these he would now give their Lordships one example. He held in his hand five letters from the alleged, the falsely alleged, paramour of the injured lady to whom they referred, and he would answer for it that the reading of those letters by two, or thee, or more, of their Lordships, would at once convince them that the charge against that lady of having had an amour with his late lamented friend Lord Melbourne, was absolutely and necessarily impossible to be true. He had read them, and they had produced the most absolute conviction in his mind that the thing was utterly and entirely untrue. Yet an action was brought behind the back of that lady, without necessarily any notice, and but for the verdict of the jury, obtained through the exertions of his noble and learned Friend (Lord Campbell), the character of that lady would have been ruined for life, she being as entirely and absolutely guiltless as any human being in the three kingdoms. As regarded the punishment of an adulterer, he preferred the infliction of a fine to an indictment for misdemeanour, his reason for so doing being the difficulties which beset all attempts to detect conspiracy in such cases. One example occurred to him at that moment. A merchant's clerk in the city went home with a woman whom he supposed to be following her professional avocation; it afterwards turned out that she was married; an action was brought, and on proof being given of the fact of marriage, damages were awarded to the amount of £1,500. It was almost impossible to provide any absolute safeguard against conspiracy and collusion.

Earl GREY said, that although he thought that the clause now proposed was a great improvement on the original proposition, still he was of opinion that the imposition of a fine would operate very unequally upon the wealthy and the poorer classes of persons. He should be glad to see imprisonment enacted as well as a fine, and if no other noble Lord undertook the task, he should himself propose a clause to that effect. From the first he (Earl Grey) had entertained grave doubts of the propriety of legalizing divorces *à vinculo matrimonii* at all; he trusted therefore that the present measure would be regarded only in the light of an experiment, and that, if found to lead to an increased laxity of morals, the Legislature should return to what had always been the theory, though not the practical law of the country—namely, rendering the marriage tie indissoluble except by the death of one of the parties.

Lord CAMPBELL said, he had always thought the action for *crim. con.* a disgrace to English jurisprudence, and he entirely approved of the proposals of his noble and learned Friend in the clause under discussion. With regard to the suggestions for making the offence a misdemeanour, he could not give it his support, as it would enable any man to prosecute in those cases. The fine would be in all cases proportioned to the means of the adulterer, and would therefore press equally upon the rich and the poor. He would, however, have preferred his noble and learned Friend leaving the amount of the fine quite open to the discretion of the presiding Judge.

The Bishop of OXFORD said, that while he entirely agreed with the noble and learned Lord as to the inexpediency of granting additional facilities for obtaining divorce, he thought that the punishment of imprisonment should be added to the money fine, because a fine in the case of a rich man was next to no punishment, and in the case of a man of moderate means it would operate as a very heavy punishment. Imprisonment, on the other hand, savoured of disgrace, which a money fine did not; indeed, he could imagine the latter punishment being regarded in certain vitiated states of society rather as an honour than as a disgrace. The proper course would be to render adultery a disgraceful crime against society, and to punish it as such. If the House agreed to the present clause he would move, upon the reading of the 25th clause, the insertion of a clause to enable the Court to impose imprisonment as well as fine, and also to give power to apply any part or the whole of the fine to pay the costs of the proceedings.

Clause *agreed to.*

The Earl of MALMESBURY said, he wished to propose an Amendment to this clause, to the effect that a party who had once been a defendant in a suit in the court of divorce should afterwards be allowed to become a prosecutor in the event of having contracted another marriage. The object was to avoid the scandal that often took place on the Continent.

The LORD CHANCELLOR could not assent to any such Amendment. If a divorce *à vinculo* was allowed at all, the effect ought to be to place the parties in a position of perfect freedom, as if no marriage had ever been contracted. As to scandals to which the noble Earl had referred, he did not think they were likely to occur in this country. For many years the law of divorce had been in practical operation, and no such case had ever occurred.

Clause *agreed to.*

Clauses 22 to 25 *agreed to.*

The LORD CHANCELLOR moved to insert a clause:—

"Whenever in any such petition presented by a husband the alleged adulterer shall have been made a co-respondent, and the adultery shall have been established against him, the Court shall impose on him a fine of such amount as it may deem just, not exceeding ten thousand pounds, and may also order him to pay all or any part of the costs of the said proceedings."

The Bishop of OXFORD proposed, as an Amendment to the proposed clause, to insert after the word "established"—

"it shall be lawful for the Court to pass upon the guilty parties, or either of them, sentence of fine and imprisonment, or fine or imprisonment, as if they had been convicted of a misdemeanour at common law, and it shall be lawful for the Court to order the whole or any part of such fine to be applied in payment of the costs of the proceedings."

The LORD CHANCELLOR thought it would be better to limit the punishment to fine, as this was the first time that such a principle had been introduced into the law.

Viscount DUNGANNON supported the Amendment, as a fine only would be of very little effect in the case of wealthy persons.

Lord CAMPBELL thought it would be better to keep by the fine alone. In some cases a husband might feel reluctance and even horror at taking a course which might send his wife, even though guilty, to prison.

The Duke of NORFOLK observed, that in some cases a heavy fine would fall as a punishment upon the children.

The Bishop of OXFORD reminded their Lordships that imprisonment was not rendered imperative by his Amendment. It might be inflicted in extreme cases, but these would be very rare.

The LORD CHANCELLOR could imagine nothing more revolting to the mind of a man whose wife had been unfaithful to him than the reflection that he could not obtain a divorce without subjecting her to imprisonment.

Lord BROUGHAM objected to the Amendment, which gave a Court power to inflict a heavy punishment of imprisonment without the intervention of a jury. No doubt the sole action of a Court was sometimes useful, as in cases of insolvency or bankruptcy, but it was not the same in respect of criminal proceedings.

The Bishop of OXFORD observed that, by a new clause which would be proposed, there would be a trial before a jury.

Earl GREY said, as they were about for the first time to make divorce a part of the law of the land it was necessary to guard that change by every possible precaution. A pecuniary fine might be sufficient in some cases, but there were others in which it would be totally inadequate. There were special cases in which justice could only be done by punishing the guilty parties by imprisonment. In cases where a designing woman had entrapped a man into adultery with the desire of being detected, a fine would be of little use. Such cases might be rare, but that they did sometimes occur was a matter of history.

On Question, Whether the said words be there inserted? their Lordships *divided*:—Contents 43; Not-Contents 33: Majority 10.

Amendment made; Clause, as amended, *agreed to.*

CONTENTS.

Canterbury, Archbp.

Cleveland, D.
Norfolk, D.

Westmeath, M.

Airlie, E.
Amherst, E.
Bantry, E.
Chichester, E.
Cowper, E.
Derby, E.
Grey, E.
Mayo, E.
Nelson, E. [*Teller.*]
Romney, E.

Shaftesbury, E.
Stanhope, E.

Dungannon, V.
Gordon, V. (*E. Aberdeen.*)
Hutchinson, V. (*E. Donoughmore.*)
Lifford, V.

Bangor, Bp.
Durham, Bp.
Kilmore, &c., Bp.
Lincoln, Bp.
Llandaff, Bp.
London, Bp.
Oxford, Bp.

St. Asaph, Bp.
St. David's, Bp.

Calthorpe, L.
Congleton, L.
De Mauley, L.
Denman, L.
De Ros, L.
Granard, L. (*E. Granard.*)

Lovat, L.
Lyndhurst, L.
Lyttelton, L.
Petre, L.
Redesdale, L.
Sheffield, L. (*E. Sheffield.*)
Stafford, L.
Vaux of Harrowden, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Wellington, D.

Lansdowne, M.

Clarendon, E.
Granville, E.
Harrington, E.
Harrowby, E.
Malmesbury, E.
Minto, E.
Morley, E.
Orkney, E.
Portsmouth, E.
Seafield, E.

Belper, L.
Brougham and Vaux, L.
Campbell, L.

Cloncurry, L.
Colville of Culross, L.
De Tabley, L.
Foley, L. [*Teller.*]
Leigh, L.
Lovel and Holland, L. (*E. Egmont.*)
Manners, L.
Mostyn, L.
Panmure, L.
Rivers, L.
Rossie, L. (*L. Kinnaird.*) [*Teller.*]
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wensleydale, L.

Clauses 20 to 44 agreed to.

Upon Clause 45, prohibiting persons divorced after being proved guilty of adultery from marrying again,

THE LORD CHANCELLOR moved the omission of certain words, and the insertion of others, with the view of restoring the clause to the state in which it stood previous to the Amendment moved by the Archbishop of Canterbury when the Bill was last in Committee, prohibiting the re-marriage of the guilty party. That Amendment was made by the most rev. Prelate, and was carried on a division by a small majority. Without saying what was the proper interpretation of the scriptural texts on the subject, he would admit that they ought to legislate on it in the spirit of those texts, and with the view to promote public morality and public policy. He could conceive nothing more scandalous in point of public morality than by Act of Parliament to place the woman, and in some cases the man, in a position in which they must remain single, and in the case of the woman, to force her, necessarily in some instances, into a state of prostitution. It was gross injustice to leave the adulterer at liberty to re-marry, and to restrain the woman who had been divorced in consequence of his licentiousness from the same liberty. He thought there ought to be no restriction, and that the woman in such cases ought to be at liberty to marry the adulterer or any one else. The noble and learned Lord then *moved* to omit ("Party on whose petition the marriage shall have been dissolved") and insert ("respective parties thereto").

LORD BROUGHAM expressed his cordial approval of the Amendment.

THE ARCHBISHOP OF CANTERBURY, who was very imperfectly heard, was understood to say, that both upon Scriptural grounds and for reasons of public morality he did not think that guilty persons ought to be permitted to marry again. He would, therefore, oppose the Amendment.

THE DUKE OF ARGYLL stated that several noble Lords had voted for the introduction of the words proposed by the Archbishop of Canterbury upon the supposition that they amounted merely to a prohibition of marriage between paramours. He could not believe that a majority of their Lordships would wish to condemn a person guilty of adultery to perpetual celibacy, or, probably, to a life of immorality. It was not improbable that some so-called Amendments had been proposed with a view to the rejection of the Bill elsewhere.

THE EARL OF DERBY said, the Amendment of the most rev. Prelate (the Archbishop of Canterbury), which it was now proposed to expunge, did not condemn the guilty party to perpetual celibacy. It provided that the husband or wife guilty of adultery should not marry while the husband or wife who had obtained a divorce continued to live. If that provision were removed they would have the anomaly of a person divorced *à vinculo* being in a better position than a person divorced *à mensâ et thoro*, because the latter could not, but the former could, marry in the lifetime of the person from whom they were divorced.

EARL GREY explained that on the former evening he voted for the Amendment, because he did not wish to see divorce *à vinculo* given without some safeguard; but he thought it ill fulfilled that purpose, and, as they had now made adultery liable to punishment, not only by fine but by imprisonment, he should vote for the Amendment now proposed—that was, to strike out the prohibition.

The Bishop of OXFORD said, the object of their Lordships should be to surround the innocent with the greatest number of guards, rather than to leave the guilty exposed to the possible inconvenience of marrying their paramours. That was most eminently the character of the proposition of the most reverend Prelate. All experience showed that the purity of civilized society depended more upon the absolute chastity of the woman rather than the principle of the man. The temptation to sin assailed the man and the woman on two opposite sides of their character. In the man the great temptation was the gratification of appetite; but it was not so in the woman. The late Mr. Coleridge, in one of his admirable essays on the relation between the two sexes, expressed the idea so forcibly that he would quote the words—"The desire of the man is for the woman; the desire of the woman is for the desire of the man." That was to say, that the woman was led astray, not by the direct temptation of sensual appetite, but by the proffer of affection—by the promise that what in early life she trusted to be to her husband, but had failed in being—namely, the object of attachment and affection—she would be to the tempter. Those married women who had fallen from the direct temptation of appetite were very rare exceptions, and in ninety-nine cases out of 100 they fell, because their marriage had been unhappy in its consequences. To say, therefore, that the woman should not marry for the natural lifetime of the husband she dishonoured, was to take away from the tempter a prevailing bait and to give an additional safeguard to her remaining innocent. Let their Lordships remember what the proviso was, that was embodied in the clause at the instance of the most rev. Prelate. It was not in any sense put in as a penalty upon either party that they should be prohibited from marrying, longer than they would have been prohibited from marrying another, if they had not sinned. The innocent party was allowed under the clause to marry again; and was it an extreme punishment to say to the guilty person that he or she should not marry again during the lifetime of the party from whom he or she was divorced? It seemed to him monstrous to represent that as an outrageous violation of liberty.

After a few words from Lord De Ros,

Viscount DUNGANNON felt himself at liberty, now that adultery was to be punished by fine and imprisonment, to vote for the proposal of the noble and learned Lord, and against the Amendment made the other night in the Bill, on the Motion of the most rev. Prelate.

On Question, "That the words proposed to be left out stand part of the Bill?"

Their Lordships *divided*:—Contents 24; Not-Contents 46: Majority 22.

CONTENTS.

Canterbury, Archbp.

Norfolk, D.

Amherst, E.
Derby, E.
Mayo, E.
Nelson, E. [*Teller.*]
Romney, E.

Gordon, V. (*E. Aberdeen.*)
Hutchinson, V. (*E. Donoughmore.*)
Lifford, V.

Bangor, Bp.
Durham, Bp.
Lincoln, Bp.
Llandaff, Bp.
Oxford, Bp.
St. Asaph, Bp.
St. David's, Bp.

Calthorpe, L.
Colville of Culross, L. [*Teller.*]
Lovat, L.
Lyttelton, L.
Petre, L.
Redesdale, L.
Stafford, L.

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Cleveland, D.
Wellington, D.

Cholmondeley, M.
Lansdowne, M.
Westmeath, M.

Airlie, E.
Chichester, E.
Cowper, E.
Granville, E.
Grey, E.
Harrington, E.
Harrowby, E.
Minto, E.
Morley, E.
Munster, E.
Portsmouth, E.
Seafield, E.
Stanhope, E.

Dungannon, V.
Kilmore, &c., Bp.
London, Bp.

Belper, L.
Campbell, L.
Cloncurry, L.
Congleton, L.
De Mauley, L.
Denman, L.
De Ros, L.
De Tabley, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Leigh, L.
Lovel and Holland, L. (*E. Egmont.*)
Lyndhurst, L.
Manners, L.
Meldrum, L. (*M. Huntly.*)
Panmure, L.
Ponsonby, L. (*E. Bessborough.*)
Rivers, L.
Rossie, L. (*L. Kinnaird.*) [*Teller.*]
Somerhill, L. (*M. Clanricarde.*)
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.

Lord WENSLEYDALE then moved an Amendment, to add to the clause the following proviso:—

> "Provided that the other party shall not marry the person with whom the adultery is proved to have been committed, and the Court in its decree for a divorce is to name that person."

The Marquess of LANSDOWNE could

not assent to the Amendment, which he thought would not tend practically to promote the interests of religion and morality. He believed that in cases of this description women were generally led into error by passion, and those who had lived long in the world were aware of the feeling with which women who had so erred were regarded by their own sex. Even if women who had thus fallen remarried, they were still in a position of great degradation, and it was difficult to estimate the punishment they suffered. The object of legislation should be to provide for the reformation of offenders after they had suffered punishment for their crimes; but he believed the effect of this Amendment, by depriving a woman of the opportunity of marrying her partner in sin, would be to degrade her utterly, and to drive her to a course of prostitution. When they dealt with a burglar or a perjurer, they always supposed that he might, by repentance, be qualified to resume, in some measure, that position in society which he had occupied before he became a criminal; and were they in the case of a woman alone to refuse the opportunity of reformation, although experience had shown that women who had violated the marriage vow had subsequently become faithful wives and good mothers, and had shown themselves deserving of that limited respect which could be gained by persons under such circumstances? He agreed with a great legal authority who had said that cases of this description ought to be dealt with according to the particular circumstances of each case, and he considered that the discretion ought to be left to the Court. This Amendment, however, if it should be adopted, would deprive the Court of any discretionary power.

The Bishop of OXFORD, in supporting the Amendment, observed, that it was unnecessary to repeat the arguments he had urged on a former occasion, but he might remind their Lordships that they were not legislating simply for one class, but for all classes of the community, and that they ought to consider the effect which might be produced by their legislation upon what were called the lowest orders of society. Unless they agreed to this proviso, they offered great inducements to crime, with the view of dissolving the marriage tie. The noble Marquess was wrong, in thinking that the first object of legislation was the reformation of the offender: it was the prevention of crime. It was said that they should not impose too stringent restrictions in the first instance, because, if it were found necessary, the law might subsequently be rendered more severe; but all experience showed that it was much easier to relax a law than to increase its stringency.

Lord CAMPBELL should support the Amendment of his noble and learned Friend.

On Question, Whether the said words shall be there inserted?

Their Lordships *divided*:—Contents 28; Not-Contents 37: Majority 9.

CONTENTS.

Canterbury, Abp.

Norfolk, D.

Amherst, E.
Chichester, E.
Derby, E.
Mayo, E.
Nelson, E. [*Teller.*]
Romney, E.

Dungannon, V.
Gordon, V. (*E. Aberdeen*)
Hutchinson, V. (*E. Donoughmore.*)
Lifford, V.

Bangor, Bp.
Durham, Bp.
Lincoln, Bp.
Llandaff, Bp.
Oxford, Bp.
St. Asaph, Bp.
St. David's, Bp.

Campbell, L.
Colville of Culross, L.
Congleton, L.
Lovat, L.
Lyttelton, L.
Petre, L.
Redesdale, L.
Stafford, L.
Wensleydale, L. [*Teller.*]

NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)

Cleveland, D.
Wellington, D.

Lansdowne, M.
Westmeath, M.

Cowper, E.
Granville, E.
Grey, E.
Harrington, E.
Harrowby, E.
Minto, E.
Morley, E.
Munster, E.
Portsmouth, E.
Seafield, E.
Stanhope, E.

Kilmore, &c., Bp.
London, Bp.

Belper, L.
Cloncurry, L.
De Mauley, L.
Denman, L.
De Ros, L.
De Tabley, L.
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Leigh, L.
Lovel and Holland, L. (*E. Egmont.*)
Lyndhurst, L.
Manners, L.
Meldrum, L. (*M. Huntly.*)
Panmure, L.
Ponsonby, L. (*E. Bessborough.*)
Rivers, L.
Rossie, L. (*L. Kinnaird.*) [*Teller.*]
Talbot de Malahide, L.
Truro, L.

Clause *agreed to.*

Remaining clauses *agreed to.*

Report of the Amendments to be received on *Friday* next.

House adjourned at a quarter past Nine o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 9, 1857.

MINUTES.] NEW MEMBER SWORN.—For Leeds, George Skirrow Beecroft, esq.

PUBLIC BILLS.—1° Ecclesiastical Commission, &c.; Reformatory Schools; Grand Juries (Metropolitan Police District); Inclosure Acts Amendment; Highways; Charitable Uses; Militia (Ireland) Act (1854) Amendment.

2° County Cess (Ireland); Court of Exchequer (Ireland).

3° Joint-Stock Companies.

LOCAL CONSTABLES.

QUESTION.

MR. MILES said, that seeing the Secretary for the Home Department in his place, he should put to him the question of which he had given him notice; but, perhaps, it was first necessary for him to state that by the 3 & 4 of *Vict.* cap. 88, sec. 16, it was imperative upon chief constables of counties to bring before the magistrates at petty sessions a list of local constables recommended by themselves, and on the magistrates appointing such constables, an order was simultaneously made that a scale of fees should be made out for their payment. The Act, however, unfortunately omitted to state how those fees were to be raised, for although in the case of individuals there was no difficulty whatever, in the case of the arrest of thieves or felons there was no fund available for the payment of the fees. He therefore begged to ask the right hon. Gentleman the Secretary of State for the Home Department, whether it is his intention to introduce a Bill for the payment of local constables appointed under the Act 3 & 4 *Vict.*, cap. 88, sec. 16, during the present Session?

SIR GEORGE GREY said, it was perfectly true that the Act which authorized the appointment of those local constables did not specify the fund out of which they were to be paid. The Act had been in operation some seventeen years, and he had not up to that time heard of any inconvenience arising under it. The men were strictly speaking not local constables, although generally their employment was of that character, for they could be employed beyond the limits of a county. In case of their being employed, he apprehended they should be paid by the person at whose instance the summons was served or the arrest made. However, he would look into the Act, for at present he must confess he did not see out of what fund the men were to be paid in the cases supposed by the hon. Gentleman.

TRAFFIC THROUGH PARK LANE.

QUESTION.

MR. BAILLIE said, he wished to ask the First Commissioner of Works whether, in pursuance of the recommendation of the Metropolitan Improvement Committee of 1855, he has been able to devise any plan for relieving the great increase of traffic which now passes through Park-lane, and has become so dangerous to the public? Also, whether there would be any objection to open to the public the road through the park from Stanhope-street-gate to Hyde Park-corner?

SIR BENJAMIN HALL said, that the Committee of 1855 had recommended that one of the first openings which should be made for facilitating the traffic of the metropolis should be a road from Piccadilly through Hamilton-place and on to Stanhope-street-gate. In consequence of that recommendation, he, in the course of last year, had proposed to take some steps with the view of carrying it into effect; he had, however, been at once met by an objection to his scheme upon the part of eight or nine persons residing in Hamilton-place. To test the validity of that objection, the case was laid before the law-officers of the Crown, and they had given it as their opinion that it was valid. He had, therefore, been unable to take any further steps in the matter. In reply to the second question, he might state that, in his opinion, there was serious objection to throwing open the road from Stanhope-street-gate to Hyde Park-corner. If it were open for traffic by day, it was equally necessary that it should be open also by night, and the result would be, that the whole of the park would be open by night—a state of things which he felt assured no hon. Member would wish to have brought about. He should add, that it was quite obvious that great inconvenience arose from the narrow state of Park-lane, but under the Act of 1855 power was vested in certain local authorities to purchase land, with the view of widening thoroughfares, and if that were done in the present instance he should not hesitate to say that a great improvement would be effected.

AUDITORSHIP OF THE POOR LAW BOARD—QUESTION.

Mr. CRAUFURD asked the President of the Poor Law Board whether the hon. Member for Boston still continues to hold the office of auditor under the Poor Law Board.

Mr. BOUVERIE said, the hon. Member for Boston (Mr. W. H. Adams) was one of the auditors of the Poor Law Union accounts. He was elected last year, under the operation of an Act of the reign of Her present Majesty, by the Chairman and Vice Chairman of the Poor Law district in which he acted as auditor. He was only one of forty-nine other Poor Law officers who discharged duties of a similar character, and whose appointments were under the immediate control of the Poor Law Board, because they were elected in the manner which had just been stated. The hon. Member for Boston, however, was paid out of money taken by Vote in that House on account of the Poor Law Board, and was liable by statute to dismissal by that Board in the case of his being incompetent to the discharge of his duties. The fact of his having been elected to represent Boston did not, he (Mr. Bouverie) believed, render him incapable of occupying his present position. He consequently retained the office of auditor; and, so far as his experience of the Poor Law Board went, he had every reason to think him a most useful officer.

FIRING ON A BRITISH SHIP AT BELLEISLE.

Mr. DILLWYN said, he rose to ask the First Lord of the Treasury whether Her Majesty's Government have received any information respecting the circumstances attending the death of James Williams, a seaman on board the *John and Edward* schooner, of Aberystwith, who was killed in the harbour of Belleisle on the 24th day of May last, by a shot fired from the French war schooner *Maratch.* He would, if the House would permit him, briefly state the circumstances of this case, as they had come to his knowledge from the reports in the newspapers, and from a letter written by the captain of the schooner. The facts appeared to be these:—On the 24th May the *John and Edward* schooner, put into the roads of Sarzeau, a small town on the north-east of Belleisle. Having been driven in by stress of weather, she was not prepared with the necessary signals; she brought up and came to an anchor within a cable's length of the stern of a French man-of-war — the *Maratch* schooner. A shot was fired at the *John and Edward* to hoist her colours, and her captain sent a man up to reeve the pennant halyards for the purpose of doing so; but before the man came down another shot was fired from the vessel of war, and while the men in the *John and Edward* were hauling up their ensign, and when it was about a couple of fathoms above the boom, a third shot was fired, which killed one of the men who were engaged in hauling it up. He thought the House would agree with him that if these facts were correct —which, however, it was but right to say were wholly *ex parte*—["Order!"] He had to apologize to the House for going beyond the strict rule of asking questions by making this statement, but he thought the peculiar nature of the case in some degree warranted his observations.

Viscount PALMERSTON: Sir, Her Majesty's Government have received full information of the lamentable occurrence to which the hon. Gentleman's question relates. The statement he has made conveys to the House pretty nearly the exact course of the transaction. The schooner *John and Edward* entered the roads of Belleisle without having any colours flying. I think the commander was wrong, for of course no ship ought to enter the harbour of a foreign country without colours to distinguish her nationality. Still, the conduct of the officer in command, for the moment, of the French vessel of war, was quite unjustifiable, because, although his having ordered two blank musket shots to be fired could not be complained of, yet he was not justified in the precipitation with which he ordered a shotted musket to be discharged in the direction of the vessel. His allegation is, that the man was ordered to fire high and that the ball glanced, but unfortunately the shot took effect, and resulted in the death of one of the seamen. It is but justice to the French Government to say, that no opportunity was given to Her Majesty's Government to make any remonstrance to the French Government on the subject, because Count Walewski, of his own accord, volunteered to Her Majesty's Ambassador at Paris a communication of the most satisfactory and handsome kind. He expressed the deep regret of the French Government at what had taken place, stating that orders had been given to dismiss from the French service the officer who had given orders to fire the fatal musket shot; and added, that the

French Government were about to institute inquiries to ascertain in what way and to what degree they might mitigate the affliction of the family of the unfortunate seaman. Therefore, however lamentable the accident was, and however blameable the officer by whom the order was given, yet, as far as the French Government are concerned, nothing can be more honourable and proper than the manner of their proceeding towards the English Government on the subject.

TENURE OF LAND IN INDIA.

RETURN MOVED FOR.

Mr. W. EWART said, it was his intention to make a Motion on this subject, but as he understood a Motion of a more comprehensive character would be brought before the House in a few days, he would at present simply move for a Return, showing on what tenure land is allowed to be held by Europeans in India, whether in fee simple, for life or lives, or for years; and, if so, for what terms of years, and whether renewable on payment of fines or otherwise ; also, a corresponding Return showing to what extent ownership of land or settlement by Europeans has taken place in India, and under what tenures ?

Motion *agreed to.*

GRAND JURIES (METROPOLIS.)

BILL. LEAVE. FIRST READING.

Sir FREDERIC THESIGER, in rising for leave to bring in a Bill to dispense with the attendance of Grand Juries at the Central Criminal Court, and at Courts of General and Quarter Sessions, holden within the metropolitan police district, except in particular cases, said, that in proposing a measure of this kind, he was prepared to expect that those who had not had their attention called to the subject might regard with some apprehension an interference with a venerable institution, which they were accustomed to regard as essential to the fair administration of criminal justice, and one of the most important safeguards of the liberty of the subject. No doubt in its origin the system of grand juries attained these objects, but by recent changes in the criminal law, and an improved system of preliminary investigation of charges in the Metropolitan Police Courts, its usefulness had been considerably diminished, and the necessity of continuing the system in the metropolis became extremely questionable. The question was by no means new, for the subject of grand juries had attracted public attention for many years. A great deal of evidence in reference to it was taken before the Commission appointed in 1845, to inquire into the state of the criminal law, and afterwards the question of grand juries was again investigated by a Committee of that House. Observations had since fallen from Judges on the bench, complaints had been made by advocates, which had been echoed through the press, and year after year the grand juries of the Central Criminal Court and the Middlesex Sessions had been in the habit of presenting themselves, not only as of no utility, but as being an absolute impediment to the administration of justice. Nor had legislative attempts to abolish the system been wanting, although they were unsuccessful. In 1849, the late Sir J. Jervis brought in a Bill to facilitate the administration of justice in the metropolitan districts, which contained provisions rendering unnecessary the intervention of grand juries in criminal trials. That Bill was referred to a Select Committee, of which he Sir F. Thesiger had been a member, and by which a great number of experienced men had been examined. Amongst others, they examined the Clerk of the Central Criminal Court, the Common Serjeant of that day, Mr. Humphreys, a solicitor practising in the Central Criminal Court, and who had written an excellent pamphlet on grand juries, an alderman of the City of London, the Chairman of the Newington Sessions, and a merchant of the City of London, who had been foreman of grand juries for a great number of years. These witnesses expressed an unanimous opinion that it was desirable that grand juries should not be assembled within the metropolitan districts, and this opinion was supported by reasons which seemed to him to be unanswerable. Nothing, however, was done on this subject. But in the year 1852, the then Recorder of London, whose unfortunate illness was deeply to be deplored, and whose high character and sound judgment it was to be hoped would yet be useful to his country, in a charge to the grand jury of the Central Criminal Court, after considerable experience of the working of this system, spoke in the following terms :—

> "The great mass of the cases were, as usual, of the ordinary description, and many of their predecessors in that box had expressed an opinion that

it was unnecessary that they should be called together for the purpose of considering such cases. With regard to the great body of them, which had previously undergone full inquiry by magistrates of great experience and legal knowledge, he (the learned Recorder) entirely concurred in the opinion of the grand jury, that their services in this district were perfectly useless. He was afraid that the grand jury not only occasioned a very great loss of time, but that they also were the means of increasing very considerably the expenses of criminal prosecutions, and that in some instances the grand jury also afforded an opportunity for parties to defeat the purposes of justice by tampering with the witnesses, and that in others they were made the medium of occasioning great injustice, by affording vindictive persons an opportunity of preferring unfounded charges behind the backs of those they accused."

The grand jury at the same sessions made the following presentment:—

"The grand jury of the fifth session of the Central Criminal Court of the year 1852, beg leave to express their unanimous opinion that a grand jury within the limits of the jurisdiction of the stipendiary magistrates is wholly unnecessary. It increases the expense and adds to the delay of criminal prosecutions. It affords an opportunity for corruption and for tampering with prosecutors and witnesses. It enables an evil-disposed person to throw his victim into prison by a false *ex parte* statement made behind his back and without any previous notice. It is, in fact, an instrument of extortion and of oppression, and as it frustrates the ends of justice it is worse than useless, and ought to be immediately abolished. The grand jury having been informed that, presentments to the same effect have been made by other grand juries; that copies of several of these presentments have been laid before the House of Commons on the motion of Mr. Matthew Forster, the Member for Berwick; that a Committee of the House of Commons appointed to investigate the subject reported that such a tribunal had become unnecessary; that a Bill was introduced into Parliament by the present Lord Chief Justice of the Common Pleas, the Right Hon. Sir John Jervis, to abolish it, but which Bill was allowed to be dropped by the late Ministry; they consider that to suffer its continuance in opposition to the often recorded opinions of those best qualified to judge of its utility has a tendency to bring into contempt not only the administration of justice, but the laws of the country. The grand jury, therefore, request that a copy of this presentment may be forwarded to the Prime Minister and to the Secretary of State for the Home Department of Her Majesty's new Ministry, and they hope that a Bill to abolish the grand jury of the Central Criminal Court and of the Middlesex Sessions, will form a part of their earliest measures of law reform."

In that year (1852) he (Sir F. Thesiger), as Attorney General under Lord Derby's Government, introduced a Bill to dispense with grand juries within the metropolitan district, but he was compelled to withdraw it in consequence of the dissolution which shortly afterwards took place. These facts showed that this question was not a new one, and also furnished the reason why he, a private Member, now brought forward this measure. He had not, however, presumed to interfere in the matter without previous communication with the Government; and from what had taken place he did not believe that Her Majesty's Ministers were at all dissatisfied with the Motion. On the contrary, he anticipated the cordial support of the law officers of the Crown on that occasion. [The ATTORNEY GENERAL: Hear, hear!] His observations might be supposed to apply to grand juries in general; but he wished it to be understood that he was not prepared to prevent the assembling of grand juries in the provinces. He deemed it advantageous to the public that magistrates and gentlemen of the counties should be associated with the Judges in their periodical administration of criminal justice throughout the country. The appointment of a public prosecutor or the adoption of some improved system of preliminary investigation into offences might hereafter render it necessary to consider the whole subject of grand juries; but he strictly confined himself at present to the case of the metropolitan district, to which any sound arguments against grand juries in general would apply with peculiar force. It was superfluous to employ any antiquarian research in now discussing this question. Suffice it to say that grand juries were originally clothed with the character of public accusers—they presented crimes to the Justices in Eyre and had the power of committing prisoners; but in the reign of Edward III., when justices of the peace were introduced, their functions underwent a change. Ultimately, instead of possessing any original jurisdiction, a grand jury became merely a tribunal to receive evidence and decide whether there was a *primâ facie* case for sending accused persons to take their trial. This was a most important duty which could be safely and conveniently superseded only where a better system had been provided. This was precisely the case of the metropolitan police district, where magistrates of great experience and legal talent acted continually in the face of the public. Their principal functions consisted of receiving charges against alleged offenders, and of examining witnesses in the presence of the accused, who was confronted with his accusers, and had an opportunity of cross-examining them and the rest of the witnesses, and giving any explanation he thought right to offer. After a careful investigation, conducted under the most favourable circumstances for arriving at a correct decision, the magistrate determined whether there were sufficient grounds for sending the prisoner to trial. The depositions originally taken were transmitted to the court to which the offender was committed, and every formality essential to the protection of the public and to the prevention of unfounded charges was completed; and one would certainly suppose that, under these circumstances, everything had been done that could be required, and that the court might immediately proceed with the trial. But another preliminary ceremony had to be gone through before the trial. Twenty-three gentlemen, generally unaccustomed to legal inquiries, were collected together in a private room, where, with closed doors, under an oath of secrecy, and in the absence of the accused, they proceeded to reinvestigate the very point already determined by the committing magistrate—namely, whether there was a *primâ facie* case for putting the person charged upon his trial. With nothing to guide them but the indictment containing the accusation and a list of the names of the witnesses on the back of it, they had to grope their way in the dark, frequently through a labyrinth of complicated facts, and this after the whole matter had been decided for them by the police magistrate. If the grand jury, under these unfavourable circumstances, found a true bill their labours were perfectly supererogatory. If, on the other hand, they threw out the bill, their interference was often purely mischievous. Justice in their hands was liable to miscarry, either from a misconception as to their own functions, some jurymen imagining that they had to decide on the guilt or innocence of the accused; or from the witnesses being tampered with and induced to suppress the evidence they had previously given when before the magistrates. This the witnesses could do in perfect security, because their examination before the grand jury was conducted in secrecy. In fact, the grand jury system multiplied the chances of escape for the guilty to such an extent that it was called "the hope of the London thieves." The innocent would be benefited by the change he proposed, because, after such a person had been once committed by a magistrate, his innocence would be established in the face of the country if he took his trial; whereas a suspicion would probably still attach to him, even though the grand jury had thrown out the bill against him, owing to the reasons for their decision being unknown to the public. As an illustration of the present system, he thought he could not mention anything more forcible than a case which occurred last year in his own experience. The medical attendant of a county lunatic asylum, after having been assaulted by a patient, directed him to be taken to a shower-bath, to be kept there for half an hour, and afterwards to have a dose of tartar emetic. The unfortunate man was placed in the shower-bath, and after having been kept there for twenty-eight minutes he was removed, the medicine which had been prescribed was given to him, and in half an hour afterwards he died. He (Sir F. Thesiger) did not venture to express any opinion with regard to the conduct of the medical man. The treatment which he ordered might have been necessary to his patient; but nobody could doubt that that was a subject which ought to have undergone a most searching public investigation. And so thought one of the most able, intelligent, and experienced of the police magistrates (Mr. Henry) before whom the charge was made against the medical man; for, after having carefully examined the whole of the case, he thought it was his duty to send the party for trial. The grand jury, however, for reasons which were unknown, chose to think that it was not a case for inquiry, and they threw out the bill. He (Sir F. Thesiger) could multiply these instances if necessary; but he thought that the illustration which he had given was sufficient to show the mischief which might arise from allowing a grand jury to interfere between the public investigation before a magistrate and the trial in the Superior Court, which was not only a protection to the party accused, but also to the public against the possibility of the accused party escaping from justice. But the mere throwing out of bills by grand juries in such cases was not one half of the evil consequent upon this system within the metropolitan district. He believed that there was hardly a Session of the Central Criminal Court or a Middlesex Session held without persons preferring indictments for different classes of misdemeanour for the purpose of revenge or extortion. The particular misdemeanours which were generally made the subject of these accusations were conspiracy, perjury, keeping gaming or disorderly houses, and obtaining money under false pretences.

It was not at all necessary that the parties should go before a magistrate to prefer accusations of that description. If a person was desirous of gratifying his malice or extorting money he might wait for the assembling of the grand jury, and then, without the slightest notice to the party, he might prefer his indictment. The proceedings were altogether secret. If the party got his bill, application might be made at once for a Bench warrant; and Saturday was the day generally selected for that purpose, because then the party must remain in custody for nearly two days before bail could be given. Having secured that engine of extortion, it was set to work, and the accusing party had good grounds for hoping that the accused would compromise the matter with him, rather than submit to the exposure of a public trial. Provision was intended to be made against such cases by the Central Criminal Court Act, and the manner in which that provision was defeated was a curious instance of the subtlety and evasiveness of fraud. That Act provided that no indictment for misdemeanour, except for perjury, should be presented at the Central Criminal Court unless the party was in custody, or unless the prosecutor was bound in recognizances. That of course was to necessitate the intervention of a magistrate, but, inasmuch as the Central Criminal Court was the only Court mentioned, parties had been in the habit of going to the Middlesex Sessions, and of there procuring the grand jury to find bills of this description. They then removed them to the Central Criminal Court. No recognizances at all were entered into, and so they evaded the provisions of the Act of Parliament. Misdemeanours were still presented to the grand jury without any previous investigation before a magistrate. With regard to recognizances the course which they pursued was this—they went to a magistrate and said, "We want to prosecute A B for fraud or conspiracy; bind us over in recognizances;" and without any investigation of the facts the magistrate bound them over. Now, the consequence of these proceedings were most alarming, and he could not help giving one or two instances which had occurred within his own knowledge. A lady of undoubted respectability was indicted in this secret manner for keeping a brothel by a person who, as was afterwards ascertained, had been under sentence of transportation. She appeared on the day fixed for the trial, but neither the prosecutor nor his witnesses attended. She had the owner of the house in court to show that her apartments had always been occupied by families of the highest respectability. Of course an acquittal took place immediately, but it was impossible for that lady to avoid the suspicion which was excited in many minds that the prosecutor and his witnesses had been bought off. In another case, a person of great respectability, a banker and solicitor in the county of Surrey, had two indictments preferred against him—one for forgery and one for conspiracy. The party who preferred them had made three similar experiments at the Central Criminal Court and one at the Middlesex Sessions, but without success. But by perseverance he obtained his bills of indictment, and the trial came on before Lord Campbell. The result was an acquittal, accompanied with the applause of the persons in court, Lord Campbell stating to the jury that he had no doubt they would feel that there was not the slightest imputation upon the gentleman's character from the proceedings. He offered these instances as samples, not of what might take place, but of what actually did take place under the present system. Whether a party so accused were innocent or guilty the effect was much the same. Many an innocent party might not not have the nerve to stand a public trial. It might be that he was accused of some infamous offence without the slightest foundation. He shrank from the idea of appearing in public, and was therefore willing to pay a very large sum in order to induce the withdrawal of the prosecution. If the party was guilty there was an additional motive for making a compromise with his prosecutor in that manner, and persons had been found to make a trade of preferring indictments in order to convert them into instruments of the most infamous extortion. Now, the remedy which he (Sir F. Thesiger) proposed was very simple. He proposed that no charge should be tried in the Central Criminal Court, or in the other courts within the metropolitan police district, without a previous investigation before a magistrate. When that had taken place, no inquiry before a grand jury would be necessary, and he therefore proposed to dispense with the attendance of a grand jury at the sessions in the metropolitan districts altogether in such cases. Various subordinate advantages would arise from the measure. In the first place, there would be a very considerable saving of time and expense. Under the present system prosecutors and their witnesses were bound to attend in the first place before the clerk of indictments, for the purpose of being examined with a view to preparing their depositions and the indictment. They had then to go before the grand jury; but it frequently happened that they were obliged to remain for two or three days before their case came on. Then the grand jury examined the witnesses; but if a bill was found, they had to wait a day or two more for the trial, so that, in fact, four or five days were consumed, during which parties were neglecting their business, while several hundred persons of different sexes were thus collected together under circumstances which were certainly not advantageous to their morality. The inconvenience, expense, and delay arising from these circumstances were so great that many persons were deterred from prosecuting. Then, again, the expense was no inconsiderable element for consideration. No doubt the witnesses were paid small sums, ranging from 1*s.* 6*d.* to 3*s.* 6*d.* per day, but when this was multiplied by several days, by hundreds of offences, and by twelve Sessions a year, it would be found that the aggregate amount was a very considerable one, and a large saving would necessarily take place by the plan he proposed. Under the new system the clerk of indictments would prepare a list of cases, so that persons would be able to ascertain when their cases were likely to be tried, and would only attend on that day. The business of the Session might be thus most conveniently arranged, a great saving of time and money would be effected, and public justice in this district would undoubtedly be greatly facilitated. He felt that he need not occupy any longer the time of the House. It was quite sufficient to say that all those whose attention had been called to this subject—whether Judges of the Superior or of Criminal Courts, grand jurors, barristers, solicitors, or magistrates — all concurred in the opinion that within this particular district there was no necessity whatever to continue the assembling of grand juries, but that the present system was rather detrimental than conducive to the administration of justice. He was sure that after the observations which he had addressed to the House, hon. Members would not wonder that he had interfered in this matter, but would rather be surprised that the existing system had been allowed to continue so long, and that it had not long before been put an end to. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill to dispense with the attendance of grand juries at the Central Criminal Court, and at Courts of General and Quarter Sessions holden within the metropolitan police district, except in particular cases.

MR. HENLEY seconded the Motion.

THE ATTORNEY GENERAL: My hon. and learned Friend is quite right in his anticipation that he will not only have the concurrence, but the cordial support, of the Government in the measure which he has asked leave to introduce. I can only mention, by way of apology for such a measure not having at an earlier period been brought forward by the Government, the circumstance that we were desirous of introducing it, together with some large and comprehensive plan on the subject of the approintment of a public prosecutor, which has been so long a matter of general deliberation and necessity. I cannot, however, be sorry that the measure falls into the hands of my hon. and learned Friend, to whom I may say, having regard to his former efforts in this matter, it may be regarded as legitimately belonging. It is, indeed, a matter of melancholy reflection that under cover of respect for what is commonly deemed one of our venerable institutions, a system should have so long been continued which is proved by the speech of my hon. and learned Friend to be the source of mischief, of obstruction to justice, and even an instrument facilitating corruption in the administration of justice. I am very glad, therefore, that the House has heard the statement made by an authority of the experience of my hon. and learned Friend. I should only weaken the force of that statement if I attempted to add instances which have occurred within my own observation, necessarily limited as that has been so far as regards the administration of the criminal law. I can only assure the House that the subject of the appointment of a public prosecutor (I use that phrase, not as binding myself to the appointment of any officer answering to that title, but as the denomination merely of some system for the regulation of prosecutions throughout the country) is one still under the consideration of the Government; and if it had not been for the lamented circumstance to which my hon. and learned Friend has so feelingly referred—I mean the unfortunate manner in which we were deprived of the services of the late Solicitor General—a plan upon that subject would have been some time since laid before the House. In conclusion, I can only again promise my hon. and learned Friend every opportunity for facilitating the progress of his measure.

MR. BOWYER said, he did not rise for the purpose of offering any opposition to the Motion of the hon. and learned Gentleman; but at the same time, admitting the force of many of the arguments which had been urged as to the inconveniences attending the system of grand juries, it behoved the House to consider very seriously and with the utmost possible care a change in a fundamental principle of the law of England, and so great an innovation as that which would allow a man to be put on his trial for felony or treason [Sir F. THESIGER: No, not for treason!] well, for felony, without a bill found by a grand jury, and merely at the will of a magistrate removable at the pleasure of the Crown. He did not mean to say that magistrates would not do their duty honestly. Under ordinary circumstances, undoubtedly they would. But it was very easy to conceive circumstances arising in which the safeguard afforded to the subject by the institution of grand juries might be of essential importance. If, too, it were important generally, the grand-jury system was particularly important in London and Middlesex, where cases of a political nature were, perhaps, more likely to arise than in almost any other part of the kingdom. The very exception with regard to treason which the hon. and learned Gentleman had made was an admission of the force of the arguments which he (Mr. Bowyer) was urging upon the House. In cases of treason the hon. and learned Gentleman proposed to preserve the grand jury, because he felt that in political trials the safeguard afforded by that system was essential to the liberty of the subject. But might not other cases, not of treason, but bearing the same political complexion, easily arise? He need not go back to past history to prove the possibility of this. An indictment for assault or for murder, a riot, or a case in which the rights of the subject were thought to have been invaded by an officer of the Crown—all these might involve political questions, in which it was most important that the people should have every protection from the danger of unfair bias, and yet a magistrate removable at the pleasure of the Crown, in communication with the Home Office, and acting, probably, under instructions from the Secretary of State, would have it in his power to put a man on his trial in these cases. Let him remind the House with what care the constitution of this country had fenced round the trial of prisoners. The only instance in which a man could be put on his trial on indictment without a grand jury was for misdemeanour, upon a criminal information. Now, criminal informations were sometimes laid by the Attorney General, who was conspicuously responsible to the House and to the country for the manner in which he discharged his duties; in other cases application must be made to the Court of Queen's Bench, the highest criminal court in the country, except the House of Lords. Again, when a coroner's inquest was held, and a verdict of murder was returned, a person might be brought to trial without the intervention of a grand jury, but even then it was always usual to go before a grand jury before the prisoner was put on his trial. All the greatest legal authorities of England had declared that no man could be put in jeopardy for life or limb otherwise than by the finding of twenty-four jurors—the finding of a bill by twelve jurors, and the conviction by twelve others. It had been said that in the case of proceedings before a grand jury corruption was used to prevent witnesses from appearing; but might not the same thing arise in proceedings before magistrates? The only way of preventing such corruption was the appointment of a public prosecutor, whose duty it would be to see persons brought to justice, and that no tampering took place. He acknowledged that the issue of bench warrants against men who had no previous notice that an indictment was preferred against them was a grievance. But it was one that might be obviated by enacting that no indictment should be presented in London until a charge had been previously preferred before a magistrate. He trusted that the House would not sanction a departure from principles which were essential to the liberty of the subject, and which formed a fundamental portion of the constitution of the country.

Leave given.

Bill "to dispense with the attendance of Grand Juries at the Central Criminal Court, and at Courts of General and Quarter Sessions holden within the Metropolitan Police District, except in particular cases," *ordered* to be brought in by Sir FREDERIC THESIGER, Mr. WALPOLE, and Mr. HILDYARD.

Bill *presented*, and read 1°.

LAND TRANSPORT CORPS.

COMMITTEE MOVED FOR.

MR. T. DUNCOMBE, on rising to move that the petition of the members of the Land Transport Corps presented on the 12th of May last be referred to a Select Committee, expressed his regret that he was obliged to ask the House to reappoint the Committee upon this subject to which the late Parliament had assented. He regretted it, because he had hoped that in the lapse of time which had occurred since the House had agreed to his original Motion, justice would have been done to the Land Transport Corps by the Authorities themselves, and he had reason to believe it, because, when the day arrived for the appointment of the Committee he was asked by the then Under Secretary for War to explain to him what it was exactly that these persons required, and he then informed the Under Secretary that they required, as stated in their petition, that the conditions of their original enlistment should be strictly fulfilled. After that he attended, by invitation, at the Ordnance-office. Many of the members of the Land Transport Corps attended also, and he brought them face to face with the Director General of the Corps, Colonel M'Murdo. The Under Secretary for War was also there, but as he did not appear to know much about military matters he was assisted by Sir Henry Storks, and he must say that he never saw a department in a greater state of confusion in his life than that same War Department was upon that occasion. Those gentlemen heard what the men had to say, and, so far as he could judge, they seemed to think there was some justice in their complaints. The interview ended by Sir Henry Storks taking down their names and addresses; he stated that he could give no answer in the absence of his superior, but that either he (Mr. Duncombe) or they should hear from him shortly on the subject. He was satisfied with that assurance, and he thereupon withdrew the nomination of the Committee. The general election followed, and from that day to the present the War Department had made no communication to him upon the subject, and had taken no notice whatever of the claims of those men. Nothing remained for him, therefore, but to ask the House to reappoint the Committee, and to allow these claims to be investigated. No doubt the Government had discovered in the meantime that rather awkward disclosures would be made if the Committee were allowed to sit, but that was no fault of his; they should have kept their faith with these men. Now, what the petitioners required was that the conditions on which they had enlisted should be fulfilled. They had enlisted for ten or twelve years, as Her Majesty should think fit, with the option of terminating their engagement at the expiration of five years, or at the end of the war. They had been promised free clothing and free rations, but both had been stopped out of their pay. They had also been promised fifty days' pay in advance on their embarkation, in order that they might make some provision for their families, but it had not been given them. About 2,100 of these men received no bounty and 2*s.* 6*d.* per day, and 7,000 of them received a bounty and 1*s.* 8*d.* per day. They had served in the Crimea nearly twelve months; many of them had died there; those who survived had discharged their duties well and had obtained the Crimean medal, and some of them might now be seen begging or selling pencils about the streets in a state of penury, with the medal on their breasts, while £10, or £12, or £14 of pay was still due to them. The first notice that they had upon their landing was that they were disbanded—they were just told in so many words, "Go about your business; here's your discharge, and 20*s.* to get home with as you can." It should be observed that there was no complaint with respect to those who were ill when they landed, and who were taken to Chatham and placed in the hospital, for they had been discharged in regular form; but there could be no doubt that that the other men had been improperly discharged. By the rules and regulations of the service it was provided that before a soldier should be permitted to leave the corps to which he belonged, preparatory to his removal from the service under any circumstances whatever, a regimental Board should be assembled to investigate, certify, and record as to his services, ability, character, accounts, and claims; and it was further provided that every soldier on being finally discharged should be furnished with a parchment certificate according to the prescribed form, which was to be confirmed in the Adjutant General's Department before being delivered to the man. But, instead of giving these men a parchment discharge, an old-looking paper was furnished to them all scratched over, so that no one could tell whether or not it was a legal document, or that the men had not made the alterations in it themselves. The men had a right to insist on receiving the prescribed parchment form of discharge, but that had been refused to them, and they had been told that this scratched paper was quite a sufficient protection to them. It was not, however, a protection to them, because many of these men had gone to firms and houses in the metropolis and been refused employment, being told that they had not got a legal discharge. Some had tried to emigrate, but had been refused permission to go on board the emigration ships, on the ground that it could not be told whether or not they were deserters. Thus the men could not obtain an honest livelihood by their industry, because they had been deprived of the legal document testifying their discharge to which they were entitled. Now, let the manner in which Englishmen, who had served the country well for twelve months in the Crimea, had been treated be contrasted with the conduct pursued towards the Foreign Legions. The men of the Land Transport Corps asked, at all events, for some gratuity if they were turned adrift. Well, the Turkish Contingent got six months' pay, and the Swiss one year's pay. The Italian Legion also got one year's pay and the offer of a free passage to South America. Look again at the German Legion — they got one year's pay and a free passage for themselves and their wives to the Cape, and a grant of land on their arrival. Yet not one of those parties ever set foot in the Crimea, while the Land Transport Corps had been there for twelve months. It was time that justice should be done to our own countrymen, and these German and other foreign predilections put an end to. This was partly the case he stated to the last Parliament, and he would not weary the House by going further into it now. He could not believe that a rumour he had heard was correct, that this investigation, which was granted in the last Parliament, was now, as it was likely to be inconvenient to certain parties, to be opposed, but, as he would not believe that the House would so stultify itself as to refuse now what it had granted in the last Parliament, he should therefore conclude by moving, That a Select Committee be appointed to examine into the allegations contained in the Petition of the Land Transport Corps presented on the 12th day of May last, complaining that the War Department had not fulfilled the conditions under which they had enlisted.

Mr. TOWNSEND seconded the Motion. He said the question was worthy the consideration of the Government and the House. It involved the case of men who suddenly left their homes for foreign shores in the service of their country. A portion of these poor men, whose services were called for at a time of emergency, went to the Crimea, and others went to Varna, and had undergone great hardships. Their pay was not large—certainly not large enough to cover the risk of a specific contract not being carried into effect. According to the memorial, the contract made with them on quitting England was, that they were to have either a gratuity of three months' pay on dismissal or three months' notice of discharge. But these arrangements had not been carried out, and he thought it was only fair to the members of the Land Transport Corps that they should have an opportunity of stating their case, while he had sufficient confidence in the noble Lord, and the Government generally, to believe that they would do justice to them, and that that contract would be strictly carried out.

Viscount PALMERSTON could not admit that these men had any just ground of complaint, because he thought that the mere difference between a paper and a parchment discharge was not a material point, and he understood also that in any case when application was made for a parchment discharge, instead of a paper one, the application was complied with. This question was discussed in the last Session of the last Parliament, and his right hon. Friend the then Under Secretary for War explained to the House the grounds on which the Government thought that these men had really no just or well-grounded cause of complaint. Nevertheless, the Government then consented so far to the Motion that they agreed to the appointment of a Committee, and that Committee would have sat, but for the early dissolution of Parliament. As the Government at that time consented to refer the question to a Committee, he did not feel, though his hon. Friend the Member for Finsbury had allowed a good deal of time to elapse before moving again for the Committee, that the question stood now on different grounds, sufficient to justify the Government in objecting to the appointment of a Committee they before agreed to. He only hoped that his hon. Friend and the House would not found any false or exaggerated expectations on the consent of the Government, who retained their opinion, but, having agreed to the appointment of a Committee before, they were prepared to agree to it now.

Motion *agreed to.*

Select Committee *appointed,* "to examine into the allegations contained in the Petition of the Members of the Land Transport Corps, presented on the 12th day of May last, complaining that the War Department had not fulfilled the conditions under which they enlisted."

WILLS OF BRITISH SUBJECTS ABROAD.

LEAVE.

SIR FITZROY KELLY rose to move for leave to introduce a Bill to give validity and effect to the wills of British subjects made abroad. He said that it might not be known to the Members of the House generally, or even to some of the legal profession, that by the law, as it stood at present, if a British subject, after making his will in strict conformity with the law of England, went permanently, and without any intention of returning to the United Kingdom, to reside in any foreign country or colony the law of which differed from the law of this country, the result would be that after death his will, though it might be attested and drawn in all respects in conformity with the statutes of wills and the law of this country, would be set aside and his intentions defeated. His personal property would pass to the next of kin, or whoever according to the law of the foreign country in which he was held to be domiciled at the time of his death, would be entitled to it. Any subject of the realm, it was well known, might make his will, provided it were executed by himself and attested by two witnesses, disposing of his whole estate, real and personal; but this law, allowing an Englishman to dispose of his property at his own free will and pleasure, was most unduly controlled by certain decisions pronounced by courts of law which had introduced a state of things that, in his humble opinion, loudly called for alteration and remedy. The first decision on the point occurred in the case of *Stanley* v. *Bernes,* the facts of which were as follows:—An Irish gentleman, who was a British subject, went to Portugal during the late war, and under the political circumstances of the time, and in order to protect his property, he became naturalized in that country. In the year 1827 he died, leaving a considerable amount of personal property, both in Portugal and in Ireland. With regard to the property in Portugal, he had executed a will according to the form required by the Portuguese law, and no question arose upon that; but in order to dispose of his personal property in Ireland, he had sent for an English attorney to execute a will according to the English form, and that will was executed in strict conformity with English law. The property thus bequeathed was left partly to a legitimate son and partly to a natural child, and, after the death of the testator, upon probate being applied for the application was opposed by the legitimate son, who insisted that the will was void in law because it had not been made according to the law of Portugal, in which country he insisted that his father had become domiciled. Now, the question of domicile was one which always gave rise to the most serious difficulties, nor was there any point in the law of England which was involved in greater doubt or created more litigation. Whether a person went to a place *animo manendi* or *animo revertendi* was always a difficult thing to prove, and all kinds of witnesses—chambermaids, servants, and people of that sort had to be brought forward to repeat all the gossip they had ever heard fall from the testator or from anybody in his presence without contradiction from him, with respect to his intentions. If it was not clear that he intended to return home, and had made his will according to the English forms, that will would be disentitled to probate, and would be set aside. This was settled by the case to which he had referred. That case was first brought before the Prerogative Court in this country, and a very learned and elaborate judgment was pronounced by Sir John Nichol to the effect that, inasmuch as a British subject could not throw off his allegiance to the British Crown, no matter where he resided or intended to reside, even if he had sworn allegiance to a foreign country, he was competent to make a will according to the forms of England and English law, and probate was decreed. This case was then carried to the Court of Delegates, on appeal, and was heard by

Lord Wensleydale (then Baron Parke) and other judges. After an elaborate argument, judgment was pronounced, overruling the decision of Sir John Nichol, and holding that by the law of England, Mr. Stanley, from having found a domicile in Portugal, had become incapacitated to dispose of his personal property by will otherwise than according to the law of Portugal, and by reason of that incapacity the will was disentitled to probate, was void in law, and was accordingly set aside. From that time, such had been the law of England, but although that judgment was pronounced more than twenty-seven years ago, it had never acquired general notoriety, and was scarcely known beyond Doctors' Commons, and perfectly unknown to the great majority of British subjects residing abroad. The mischievous consequences of that decision were, however, limited, if not obviated, a few years after, in the case of *Collier* v. *Rivaz*. In that case a British subject had acquired a domicile at Brussels, and made a will according to the English form, disposing of some considerable property in England. On his death, probate was applied for. It was held that the executors under the will were entitled to probate, because it appeared that, although the testator had become domiciled in Brussels, yet by the *Code Napoleon*, which then prevailed in Belgium, the will of a foreigner, if made according to the forms of law in his own country, was a valid will. That decision remained in force until within the last few weeks, when the case of *Bremer* v. *Freeman* came before the Privy Council. In that case it appeared that a lady named Calcraft, who had been travelling about the Continent, ultimately went to Paris, and resided there for some time with her sister, who afterwards died, and was buried in Père la Chaise. The surviving sister remained some time in France, and while residing there sent to England for an attorney of eminence to make her will. The lady died a few years subsequently, and the executors of her will had applied for probate in the Prerogative Court in this country. The granting of probate had, however, been opposed on the ground that the will was void, inasmuch as at the time at which it had been drawn up the testatrix had been domiciled in France. The answer to that objection had been that, in accordance with the French law itself, the instrument was valid, as being made by a British subject resident in France in accordance with the law of England. In order to establish that proposition a great deal of evidence had been adduced, and the case had been submitted to the consideration of no less than five of the most eminent French jurists, who had arrived at the conclusion that the will was valid, and, as a consequence, entitled to probate. Three eminent French lawyers had, however, come to an opposite decision, stating it to be their opinion that the instrument, in order to be of force, should have been drawn up in accordance with the law of France; and one alarming consequence of the application of the law of France to British subjects, if this opinion were correct, was that a British subject could not leave his property according to his own free will and pleasure, but a person making a will there must suffer a certain proportion of his property to go to certain near relations, who, by the law of France, could not be disinherited. These gentlemen gave the still more alarming opinion, that if the lady had not been permanently domiciled in France, but had merely taken up her residence there temporarily, the rule *locus regit actum* would prevail, and that her will, though framed in strict accordance with the law of her own country, would still be ineffectual. The question had finally been submitted to the Judicial Committee of the Privy Council. Unhappily—he meant unhappily unless through the interposition of Parliament it should lead to an alteration of the law—a majority of the Privy Council supported the opinion of the three lawyers, and set aside the opinion of the five eminent jurists in France. The Privy Council had given a decision different from that which had been pronounced in *Collier* v. *Rivaz*, and had determined that the will must, in accordance with the English law, be held to be invalid. This decision had excited the greatest alarm among English residents abroad, as well as persons in this country. Now, since he had given notice of the Motion which he was about to submit to the House, he had received numerous letters from British subjects resident in Paris and elsewhere, from attorneys practising in various parts of France, and diplomatists of eminence and great experience; and he felt bound to say that neither in those letters nor from the communications which he had held with several members of the legal profession in this country had he been able to ascertain a shadow of a reason why the will of a

British subject, executed in compliance with the forms which English law required to be observed in the framing of such instruments, was to be regarded as invalid because the testator happened to reside in Paris or at Rome, or at Constantinople. Among its many mischievous results, it occurred forcibly to his mind that one of the most mischievous was, that in every case in which probate of the will of a British subject domiciled abroad was sought to be obtained, and the validity of the instrument was disputed, it became necessary, besides establishing that the testator was of sound mind and had complied with the necessary formalities, to resort to that most perplexing, expensive, and tedious process of endeavouring to ascertain where the testator had been domiciled at the time when the will had been executed. That was a feature in these cases which had of late years led to a greater amount of litigation than any other with which he was acquainted. And in addition to this, the fact of it being held that a permanent residence created a domicile in a foreign country would necessitate in any case where such residence was shown, an inquiry as to the law of that foreign country in which the will was made in respect to testacies and intestacies. In the case of Lord Hertford, on the other hand, it had been proved that he had resided in France for some time, that he had afterwards gone to Milan, thence to Naples, and subsequently had been said to be domiciled in more than one of the German States. Now, in order to establish the validity of a will made under such circumstances it became necessary to inquire into the law, not of one alone, but of all those several countries; and the House, he thought, could scarcely fail to be of opinion that the existence of such a state of things was productive of enormous evil. It was in order to provide a remedy for that evil that he proposed in the Bill which he was about to ask for leave to introduce to enact that all wills, codicils, and testamentary papers duly executed and attested by a British subject in accordance with the prescribed forms as laid down by the law of England, and duly attested, should be held to be valid in this country, no matter where the testator might have been domiciled at the time at which the instrument happened to have been drawn up. But he begged to be distinctly understood that he did not propose to interfere with the subjects or the law of any foreign country, nor with the jurisdiction of foreign courts over the property of Englishmen in foreign countries. If a will were made by a Portuguese in Portugal or by a Frenchman in France he did not wish to interfere with the testamentary disposition of either of these testators. His Bill did not go to invalidate the wills of the subjects of any country made in their own country. These were the main features of the Bill which he asked permission to lay on the table of the House. In conclusion, he would also observe that the Bill contained a proviso which he had introduced into it after considerable doubt, the object of which was that the measure should not affect any wills which now formed the subject of judicial investigation, or which, owing to the decease of the testator, were already in full legal operation. He now felt that inconvenience would arise in the cases of wills made in foreign countries, and which were still to be carried into effect, the testators being dead; but on the whole he had arrived at the conclusion that he could not make the Bill retrospective in such cases, and had therefore inserted the proviso the nature of which he had just stated. Should his Bill pass into a law, it would have the effect of restoring that liberty to British subjects of which they had been deprived by a series of decisions utterly unfounded upon any principle of justice between man and man. The hon. and learned Member concluded by moving for leave to bring in a Bill to give validity and effect to the Wills of British subjects abroad.

MR. MALINS seconded the Motion. The evil which the Bill was designed to correct was one of immense magnitude, and he regretted that in the late case of *Bremer* v. *Freeman* — a decision which had taken the profession by surprise—the Judicial Committee of the Privy Council could not find reasons for coming to an opposite conclusion. That decision, so far from furthering the intention of the testatrix, went to disappoint it. The testatrix had done nothing to shake off her right as a British subject. She had, it was true, for several years resided abroad; but the effect of the decision of the Privy Council was, that while in every other respect that lady must be considered a British subject, in the disposition of her property she must be regarded as a foreigner. Seeing that many thousands of our countrymen resided on the Continent it was a serious thing that in the disposal of the property of such persons a question such as that now under discussion should arise. The question of domicile which was raised in such cases was one of the most difficult as well as expensive that could come before the courts. A case was now going on in the Court of Chancery in which a gentleman of very large property, of peculiar and eccentric habits, who died four or five years ago, left the bulk of his property, amounting to about £100.000, to found a charity in the town of Southampton. It was supposed at first that the only question for the court was whether the words were sufficient to found a charity, but as it appeared in the progress of the suit he had resided in France for many years, at first at Boulogne and then at Paris, though having all his property here, and coming occasionally to see it, the question was suggested whether, although his will was made according to the English form, he had not acquired a French domicile. A special examiner was appointed to take the evidence on this subject, and to illustrate the difficulty and expense of these inquiries he might state that the examiner had been engaged for fourteen days in England and forty-two in France in taking evidence on the question whether that English gentleman, who had resided in France for a number of years, had not thrown off his English and acquired a French domicile, and the case still stood for decision. He rejoiced that his hon. and learned Friend had brought in a Bill on the subject, and he trusted that every facility would be afforded him by the Government in passing it through Parliament. He was afraid that, after the decisions of the Privy Council declaring some of these wills invalid, it would be going too far to say that the Bill should be retrospective in its operations, yet it might be worthy of consideration whether Parliament could not justly go even to this extent, and he should greatly rejoice to see the measure made retrospective if it could be justly done.

The ATTORNEY GENERAL said, that the subject to which his hon. and learned Friend the Member for Suffolk had invited attention was one of no common importance, and he trusted that it would not be treated by the House as a legal question, but one of general importance, which every Member of that House was competent to appreciate and form an opinion upon. He did not intend to oppose the introduction of the Bill, coming, as it did, from such high authority, and also because the subject itself was unquestionably one deserving of discussion, but he must entreat the attention of the House to the difficulties of the subject and the qualifications with which his vote in favour of leave to introduce the Bill must be given. They would all agree with him that it was extremely desirable for the jurisprudence of every country to preserve untouched and unimpaired those maxims of law which were common to the jurisprudence of all civilized countries. Nothing could be more important than that there should be a community of thought between the civilized nations of Europe on questions of perpetual recurrence. Not only would there be the greatest inconvenience, but the greatest amount of distress, if the rule in one country were different from that which prevailed in another. The origin of the rule which had been impugned by his hon. and learned Friend was a general maxim that had prevailed in Europe from the earliest time—namely, from the earliest establishment of the principles of Roman Law. That maxim was expressed in the words—*mobilia sequuntur personam*, which meant that the personal estate of the testator accompanied him wherever he might reside and become domiciled, and thence he acquired the right of disposing of it and dealing with it according to the law of that country. In consequence of that rule of law, if a man died in a foreign country, in which he might be domiciled, the distribution of his personal property fell naturally within the jurisdiction of the courts of that country in which he was domiciled at the time of his death. This was a universal rule in all the countries of civilized Europe, and they had conceded to us, and we had conceded to them, that the judges of the country in which the testator was domiciled at the time of his death became the persons to determine the question of testacy or intestacy. They could not withdraw the question of testacy or intestacy from those judges without impairing the force of the maxim to which he had referred, and this he (the Attorney General) thought was a dangerous step to take. If there were a common consent on the part of all the nations of Europe to adopt the rule recommended for England by his hon. and learned Friend, there might be less objection to his proposition; but, while there was a want of that common consent, the making of an exceptional experiment in England was much to be deprecated. He (the Attorney General) was opposed to the introduction into this country of a rule peculiar to itself that would derogate from the universally recognized maxim of jurisprudence handed down to us through a long succession of ages, and which undoubtedy had the great advantage that every nation in Europe knew with certainty the principle that governed this particular case. There was an inconvenience which his hon. and learned Friend's Bill would not in the smallest degree touch —he meant the present uncertainty of the law in determining questions of domicile. He agreed that the question of domicile of necessity entered into the application of the rule of jurisprudence to which he had alluded; but the difficulty to which the attention of the Legislature ought to be directed would be the furnishing of a rule by which questions of domicile might be decided, rather than to the making of any attempt to engraft on the jurisprudence of this country an exception to the general maxim above described. Some cases of hardship would always accompany adherence to a general rule; but, on the other hand, would there be no practical inconvenience attending the introduction of exceptional legislation? Assuming that we adopted for ourselves a different rule from that followed by other nations, if a person domiciled in France died possessed of property in the French funds and also in the English funds, the result would be that we should be claiming the right here to give effect to a will operative according to our exceptional law, but of no validity according to the French law; and tenfold the amount of difficulty and inconvenience at present experienced would ensue from the conflict between the institutions of the two countries. Thus the evil which this measure sought to remedy would only be aggravated by its adoption. He regretted that his hon. and learned Friend who had striven with all his great abilities to enforce his views on the Privy Council, but without success, should not have allowed a longer time to elapse before he appealed to that House; because the decision of the Privy Council was in strict conformity with the judgments of all the eminent men on the bench who were qualified to determine the question at issue. It was most inconvenient that a decision, which at the moment naturally appeared to be wrong in the eyes of the advocate against whom it was given, should be brought before Parliament while the excitement to which the subject had given rise still precluded the cool deliberation essential to wise legislation. He was sorry, therefore, that the hon. and learned Gentleman proposed to introduce this Bill, contemplating, as it did, the establishment in this country of a rule that would not be common to the rest of Europe. It was most desirable, now that the interchange between different countries was so rapid, easy, and general, that there should be as few conflicts between their respective systems of jurisprudence as possible, and that the judgments of the courts of one nation should be readily accepted by the courts of another; but if they set up a peculiar law of our own in opposition to the law which generally prevailed, they should raise up a great obstacle to the attainment of that object. The Government were not, however, disposed to resist the introduction of the Bill, although, for the reasons he had assigned, they could not promise the hon. and learned Gentleman their co-operation in passing it through its subsequent stages. He should ask hon. Gentlemen to exercise their own opinions on this measure when it came before them, and not accede to it unless they were of opinion that it was required, not merely because inconvenience had been felt in a particular case, but as an improvement on that measure of jurisprudence which England had so long held in common with the other nations of Europe.

MR. SLANEY asked the hon. and learned Gentleman who had moved for leave to bring in the Bill for an explanation as to whether the measure proposed would in any way interfere with the jurisdiction of the legal tribunals of other countries in respect of property in those countries?

SIR FITZROY KELLY would ask the permission of the House to reply to the question just put to him, and to make a few observations in answer to some of the statements of his hon. and learned Friend (the Attorney General). He meant to have stated in introducing the Bill that he did not seek in any way to interfere with the jurisdiction of foreign countries in respect of property situate in those countries. It would not be competent to the British Parliament to legislate for foreign countries, and, therefore, he could not propose to interfere with the jurisdiction appertaining to the tribunals of those countries. But with reference to the particular question, he conceived, however, that by the law of France, when a British subject, whether he happened to be residing there or not, made a will according to the forms of the law of England, and died possessed of property in France, if the probate of the will were taken to France, every Court in that country would give effect to it. There were instances of this being the case within his own experience, and he believed that by the comity of nations the Courts of every other nation in Europe would pursue a similar course. But if in France, or any other country in Europe where the property of the deceased person was found, whether by reason of the residence of the deceased there, or for any other reason, the law would not recognize and give effect to the probate of a will granted by our own Courts, then the Bill would not interfere with the law of that country. He might say in general that the measure would have no effect, and did not profess to have any effect, upon the law, or the administration of the law, in any foreign country whatever. He joined with his hon. and learned Friend the Attorney General in appealing, not to members of the legal profession alone, but to every intelligent Gentleman who had a voice in either House of Parliament, upon the single, simple, and plain question which was raised by the Bill. It was a question, not of law, but of policy—a question of policy in which every subject of this realm who might by possibility go abroad, reside abroad, or even die abroad, possessed or might possess a deep personal interest. The question was, whether it was expedient, if a British subject residing abroad sought to dispose of his property, and to provide for the different necessities of his family, by means of a British will made according to the forms of British law, that that will should be valid or void? And when the measure should have been discussed, and fully understood by all the Members of the House, he should be greatly surprised if it met with a single dissentient voice.

Mr. BERESFORD HOPE said, that responding to the appeal which the Attorney General had made to the common sense of the House, he would thus early in the debate make this one observation—that, after all, the gist of the matter was, what should define domicile, and did not so much turn on the comity of nations.

He agreed with the Attorney General as to that; but surely there was nothing which could so clearly define the animus of domicile as the form in which the testator had made his will! An Englishman goes abroad, and lives there, say twenty years, but left his English will under lock and key in England. Surely there was the strongest proof in this that his animus was to continue a British subject, though he was not domiciled in his fatherland! It seemed to him (Mr. Hope) that on the principle laid down so ingeniously by the Attorney General the House ought to give to the Bill of his hon. and learned Friend that favourable consideration which the Attorney General seemed disinclined to give it, on the plain common-sense principle that the most convincing proof of domicile was formed by that document by which the testator left what belonged to him to his assigns for ever. He hoped his hon. and learned Friend would pass the Bill through all its stages, and that ere long it would become the law of the land, and thus save the travel-loving subjects of this country from the frightful danger to which they were exposed from the existing uncertainty on this subject.

Mr. BOWYER regretted that the Attorney General had given a merely qualified approbation to the proposal of his hon. and learned Friend. The only fault which he (Mr. Bowyer) found with it was, that it did not go far enough; and he trusted that when the Bill was in Committee his hon. and learned Friend (Sir F. Kelly) would make it more complete. There were two principles of international law which governed this subject. One was expressed in the maxim, *lex loci regit actum*, or that the law of the locality in which the act was performed regulated the legality of the act there performed; the other was, that where an act was done to take effect in and having reference to another place than where it was done, it might be valid if executed according to the law of the place where it was to take effect. Now, this Bill proposed to deal with merely the second of those principles, which was only the exception, while the first was the rule. If a marriage were celebrated in a foreign country according to the forms required in that country, that marriage would be held valid in England and all the world over. Domicile had nothing to do with such a case, and the law with regard to a will ought to be the same as with regard to a contract. A person who had occasion to execute a testamentary paper abroad was in a manner compelled to have recourse to such legal assistance as the country in which he happened to be placed supplied. In the case of Lord Hertford, the Privy Council departed from the law of nations. Lord Hertford had executed a codicil to his will in Milan, in the Milanese form, and the Privy Council held that as his Lordship was an English nobleman, with large estates in this country, he could not be presumed to have abandoned the *animus revertendi,* and they therefore held that the codicil was invalid, Lord Hertford having retained his English domicile, and having executed the codicil in a foreign form. A will executed abroad, according to the law of the country where it is executed, ought to be valid by the law of England, whatever might be the domicile of the party. If they passed an enactment to that effect, they would put an end to two-thirds or more of the difficult questions of domicile which were constantly arising in our Courts, and the decisions upon which were so unsatisfactory. At the same time it would be very desirable and convenient, as his hon. and learned Friend proposed, that an English subject, when in a foreign country, should have the option of making his will according to the law of his own land. Now, how could this clash with the law of the country in which he resided? The will was not intended to take effect in that country; it would operate only in England, and with regard to English property, and it appeared to him that this would be a provision of great practical utility and convenience, and certainly not contrary to any rule of international law.

Leave given.

Bill "to give validity and effect to the Wills of British Subjects made abroad," *ordered* to be brought in by Sir FITZROY KELLY and Mr. MALINS.

LUNATICS (SCOTLAND)—LEAVE.

THE LORD ADVOCATE said, he rose for the purpose of moving for leave to bring in a Bill to alter and amend the laws respecting lunatics in Scotland, in pursuance of the undertaking given by the Government upon the discussion raised the other day by the hon. Member for St. Andrew's (Mr. E. Ellice). The Report which had been laid upon the table of the House by the Commissioners contained unquestionably a great deal that had struck the public as both new and important, and a great deal which demanded the serious consideration of the Legislature. With respect to that Report, it was only due to the Commissioners who prepared it to say, that it bore the marks of great ability, industry, and research, and he thought those gentlemen had laid the country under a deep obligation for their services. As to the observations of his hon. Friend (Mr. E. Ellice), he certainly rejoiced that the subject had been brought before the House with so much ability and in so striking a manner; but there was one part of his hon. Friend's statement which he certainly wished had been omitted. The Report presented by the Commissioners was never intended as, and was not, a Report upon the conduct of officials or of public men. The subject of their inquiry was, as to the state and practice of the law of lunacy in Scotland, and the object of their Report was to amend that law—an object for which he thought their Report was most admirably calculated. To take that Report, however, and make it, as it stood, the groundwork of grave accusations against officials who might be referred to in it, without knowing what explanation or statement these officials might make, was to use it for an object for which it was never intended, and for which it was not adapted; because, while many of the statements contained in it were most valuable as a basis for legislation, if the Commissioners had intended to inquire into the conduct of officials their investigation must have been much more extensive and the examination of parties much wider than they had been. His hon. Friend the Member for St. Andrew's, however, led away a little probably by a prepossession which he held very strongly, had made the Report of the Commissioners the groundwork of various remarks with regard to the Board of Supervision. He (the Lord Advocate) made no reply to those observations the other night beyond stating that only one side of the question was then laid before the House; but, having sat upon that Board himself for at least a year, and knowing the way in which it had been administered by the right hon. Gentleman who presided over it, he felt confident that the remarks of his hon. Friend would hardly be justified to their full extent by the facts; and he had now received a statement from Sir John M'Neill with regard to these matters, the substance of which he felt bound to submit to the House. One would have imagined from the statement of his hon. Friend the other evening that, while pauper lunatics in Scotland were grossly neglected, the Board of Supervision had represented the law as sufficient, and their administration of it as satisfactory. The very reverse was the case, for in the year 1846, in their very first Report, the Board stated that the accommodation in the asylums was not equal to that required for one-tenth of the number of pauper lunatics, and that they found a state of things existing in which it was utterly impossible to carry out the law, because there was no accommodation for the reception of the lunatics. That was the statement contained in the very first Report of the Board, and in consequence of it Lord Rutherfurd, the then Lord Advocate, moved in 1847 for Returns showing the number of pauper lunatics in Scotland and the accommodation provided for them; and, founded upon those Returns, the learned Lord introduced a Bill for remedying the law of lunacy in 1848. It was important, also, to call attention to the fact, that in the same year Sir J. M'Neill was examined before the Select Committee on Miscellaneous Expenditure, and in his evidence upon that occasion he went fully into the whole question of the treatment of pauper lunatics, and he stated in the strongest manner that until sufficient accommodation was provided it would be impossible to carry out the law as it stood, and still more to treat lunatics as they ought to be treated. He would not trouble the House by going through the whole of that evidence, but he might safely say that there was scarcely one of the recommendations made by the Commissioners in their recent Report which was not to be found in the evidence of Sir J. M'Neill in 1848. Lord Rutherfurd's Bill being lost in 1848, the learned Lord re-introduced it in 1849, but was obliged to withdraw it; and from that time to this he was not aware that the subject had ever been noticed in that House, not even by his hon. Friend, although the Board of Supervision in their Reports still continued to call the attention of the Legislature to the imperfect state of the law and of the accommodation provided for pauper lunatics. It was stated the other evening, that the Reports which were made by the inspectors and medical officers were not true or correct; but Sir J. M'Neill said that they were thoroughly and completely true; and he (the Lord Advocate) might observe that it seemed to have been forgotten, that the only lunatics over whom the Board of Supervision had any regular authority were those who, under the dispensing power of the Act, were not sent to the asylums, and that the lunatic wards of the poor-houses were not under the jurisdiction of the Board of Supervision, but were under the Sheriffs. With respect to these last, he had the authority of Sir J. M'Neill for stating that special half-yearly Reports were sent in to the Board, giving full particulars with regard to every lunatic under their charge, in addition to an annual return from the medical officer, giving a particular report of the state of every lunatic under his charge. With respect to the details of the cases mentioned by the Commissioners he (the Lord Advocate) had nothing to say. He was quite ready to accept them as perfectly well founded for all the purposes of legislation, and he had no doubt they were; but on the other hand, every one who read the Reports must see that they were altogether imperfect as regarded any blame to be attached to the officials, because no details and no names were supplied. Sir J. M'Neil, however, had applied to the Commissioners for the names in the different cases, in order that they might be investigated. He (the Lord Advocate) had also directed the attention of the Sheriffs to the observations made in the Report, and from those gentlemen he had received a great variety of replies. Many of them were very short, because they simply stated that there were no lunatic asylums, no private licensed houses, and no provision whatever for the reception of lunatics in their respective counties. In respect to other counties various explanations were made as to the matters contained in the Report. Sir Archibald Alison stated in his reply that he had ordered two inspections every year in Glasgow, but that he had been obliged to discontinue one of them because the Commissioners of Supply would not pay the cost of both inspections. It must not be supposed that he had said one word to disparage that most valuable document, the Report of the Commissioners, for he believed it to be fuller, more detailed, and to afford more information with regard to the state of lunatics in Scotland than had been produced with relation to any other part of the kingdom. Now, one word as to the state of matters when the Commission was appointed. It was well known that Lord Rutherfurd's Bill had been withdrawn in consequence of the strong opposition which it had met with in Scotland, and, whatever the ground on which it was based, he must say that he never recollected a more determined or general opposition to any measure. When, in 1853, he (the Lord Advocate) was appointed to the office, which he now had the honour to hold, he was not hopeful of being able to accomplish that which Lord Rutherfurd had so completely failed to do, but he resolved to wait and to seize the first opportunity of doing that which each day's experience told him was more than ever urgently required. In the meantime Miss Dix, whose name no one could mention in connexion with this subject without the most sincere admiration, went to Edinburgh, and wishing to visit the asylum at Musselburgh, requested him to interfere and obtain access for her, as she was desirous to visit them unaccompanied by the Sheriffs, and at a time when she was not expected. Her usual sagacity did not fail her in making that request. In consequence of that application, and not exactly seeing how he could authorize her visits under those circumstances, he addressed a letter upon the subject to his right hon. Friend the Secretary of State for the Home Department. He received in answer a statement that it was proposed to appoint a Commission; and on the 1st of March, two days afterwards, he wrote stating that he should rejoice to see the Commission appointed for the reasons mentioned in his last; that it was very desirable that the smaller asylums should be suppressed, but that the way of effecting the suppression required consideration, and that inquiry was necessary respecting the outrages committed upon lunatics at large. He had referred to the two previous letters for the purpose of showing that he was now, on the Report of the Commission, to which he had looked for aid in legislating, only carrying out the plan sketched by his predecessor about ten years ago. He assumed that hon. Gentlemen were acquainted with the details of the Report which had been laid before the House, and he thought he need not advert to the former law, which was entirely and thoroughly imperfect. The safeguards were simply these: — The Sheriffs of the counties, the Justices, and some other parties had the power and duty of inspection once or twice a year; certain registers were ordered to be kept and certain regulations made. But there was no uniformity; every Sheriff might interpret the Act as he pleased, and there was no obligation to erect asylums for the maintenance of lunatics. The duty was thrown on the Procurator Fiscal of seeing the Act executed, but no power was given him to ascertain whether it was executed or not, and there was no power of visitation. He need not say that these safeguards entirely failed, and the remedy he now proposed was that there should be appointed a Commissioner, an Inspector General, who should be a medical man, a secretary, and a clerk; and that these should constitute the Lunacy Board for Scotland, though not under that name. It was not proposed to make the Commissioner a member of the Lunacy Board for England to the full extent in which an English Lunacy Commissioner was a member; but it was proposed to make him a corresponding member with the power of sitting at the Board, of communicating with the Board, and of writing on the part of the Scottish Board to the English Board for the purpose of making inquiries. It was also proposed generally to give the right of appeal, in case the combined counties differed from the Commissioner on certain points, to the Lunacy Commission in England. He had communicated to that Commission not all the details of the plan, but a general sketch of it, and he believed that that Commission concurred in it. These persons—the Commissioner, the Inspector General, the secretary, and clerk — being appointed, the Commissioner would have, in the first place, the power of granting and refusing licences for Lunatic Asylums, and the provisions would be as stringent as possible consistently with the public benefit. It was quite clear that the granting of these licences had hitherto depended on the view which the Sheriff for the time being might take of their duty. The Sheriff of Mid-Lothian had stated that it was not the case that licences had been granted as a matter of course, but it was obvious that the Inspector of Lunatics should, before licences were granted, have the power of inquiring into the nature of the building and the character of the person keeping it. The Commissioner would have the power of renewing and transferring these licences, and of revoking them, and also of making rules for the management of the asylums, and of inquiring into the conduct of the officers. These matters would be reported to, and subject to the control of the Home Secretary. The Commissioner would have a *quasi*-judicial power of inquiring into cases under the Act, of summoning witnesses, and generally superintending the district asylums. The Inspector General would be bound to visit the asylums at least twice a year, and to discharge other duties, the details of which would be set forth in the Bill, besides having the control of the medical department. The Sheriffs and the Justices would retain the powers conferred on them by the present Act of Parliament. The general expenses under the Act would be substantially provided for in this way:—The staff of Commissioner, Inspector General, secretary, and clerk, and the office expenses, would be defrayed by Parliament. The expenses of building and repairing lunatic asylums would be arranged in the following manner:—Scotland would be divided into eight districts, under the title of the Edinburgh, Inverness, Aberdeen (which would include Shetland), Perth, Dumfries, Glasgow (embracing the county of Lanark alone), Renfrew, and Stirling districts. In those eight districts the district lunatic asylums would be erected in the first instance by an assessment laid on for the purpose, and the district Boards would be formed by the prison Board within each county electing from itself the members of the District Lunacy Board. The Commissioner, however, would fix the number of the members of which each district Board should consist; the number of members to be elected by each county in that district being regulated by the amount of rate. The district Boards being thus formed, the Commissioner would inquire into the necessity of an asylum, and, if he thought an asylum required to be erected or repaired, he would communicate the matter to the district Board, which Board would have the power of assessing the district. Thus far, as to the erection of the building. With regard to their maintenance, it was believed that they would be self-supporting as far as the counties were concerned. The fees from private persons and the payments by parishes would, to a great extent, relieve the counties from the burden; and where funds were left for the maintenance of lunatics, there would be power to apply these to the purpose of each district asylum, so that to that extent the assessment would be diminished. Where there existed such institutions as those at Montrose and Aberdeen, a power would be given either for the Board to purchase them entirely, or to make an agreement with them for the reception and care of pauper lunatics. There were other provisions of a miscellaneous character. It was proposed that punishment should be enacted for the maltreatment of lunatics. The power possessed by the Board of Supervision to dispense with sending lunatics to asylums would be repealed, because the only necessity for that power arose from the circumstance that there was no proper accommodation in the asylums for them. He did not know that there was anything more he need trouble the House with. Much had been said of the abuses which had taken place in Scotland, but it should be remembered that it was not long ago since scenes such as were described in the Report of the Commissioners might have been witnessed in many parts of England. He trusted that he should be enabled to carry into effect a measure required by the necessities of the country to which it applied, and which would give to an unfortunate class of individuals that relief which was dictated by humanity.

Mr. BAILLIE said, a statement had been made on a former occasion, when he was not present, and repeated that night by the learned Lord, that the Bill of 1848, as introduced by Lord Advocate Rutherfurd, was withdrawn in consequence of the almost unanimous opposition which it had met with in that House. [The Lord Advocate: In Scotland.] That statement, as far as the north of Scotland was concerned, was incorrect: on the contrary, that part of the kingdom was unanimously in favour of the measure. Long before Lord Advocate Rutherfurd introduced his Bill, in the year 1847, the gentlemen of the north of Scotland were so deeply impressed with the necessity for establishing a great public lunatic asylum, or asylums, that after repeated abortive applications to Government on the subject, they took the matter into their own hands, and collected a large subscription for the purpose — some of the great proprietors putting down their names for £500, and all of them contributing according to their means. Steps were then taken to secure a site for the building, whereupon Lord Advocate Rutherfurd gave notice of his Bill, and the immediate result was, very naturally, the withdrawal of the subscriptions, as the Bill had the same object in view as the subscribers. The northern proprietors looked anxiously for the passing of the Bill, and their surprize was great when they learned that it was withdrawn. He (Mr. Baillie) had received several remonstrances on the subject from his constituents at the time, and he had waited upon

Lord Advocate Rutherford in relation to the subject; but he was assured that the Bill had only been withdrawn for a season, and that it would again be introduced. The north country gentlemen, therefore, were not liable to the charge of opposition to the Bill. But, even if they were—even if the whole of Scotland were opposed to it, that would be no justification of the Government for neglecting their duty, as the question involved was not local but general, casting, as the acts which were complained of did, discredit upon the whole empire. If the Government felt convinced that such a measure was necessary, it was their duty to force it through the House, whatever opposition they might have met with. The present Bill appeared to him to be, in most respects, the same as the Bill which had been introduced by Lord Advocate Rutherfurd. To that Bill he believed that some opposition had been made by Members from the southern counties of Scotland, because they had built asylums of their own; but he was sure that the general principle upon which the present Bill was founded would not meet with any opposition in Scotland.

Mr. E. ELLICE (St. Andrew's) said, he was glad to see that the Government had taken up the question, and he would not have trespassed upon the attention of the House had not the learned Lord Advocate referred to certain animadversions which he (Mr. E. Ellice) had made upon a previous occasion upon the Board of Supervision. The Lord Advocate had stated that the object of the Report of the Commissioners was not to accuse individuals. Now, in his opinion, if any lawyer had to draw an indictment against the Board of Supervision, he could not wish a more forcible document than the Report of the Commissioners. The whole of that Report was, in fact, a narrative of the law set at defiance, and of facts suppressed by the authorities to which the execution of that law was entrusted. He (Mr. Ellice), therefore, adhered to the remarks he had made on a former night; he reasserted the accusations he then made, and he repeated that if the question was put to a jury, they would come to no other decision than that gross culpability existed on the part of the authorities, and he only regretted that the Government had not had the courage to say, in introducing the Bill, that the Board of Supervision had neglected their duty and had deserved the condemnation of the House. He asked any one to read the statements in the Reports of the Board of Supervision to which he had called the attention of the House, and he would admit that the real facts of the case relating to the treatment of pauper lunatics in Scotland had been suppressed by the Board of Supervision, and that those statements were perfectly irreconcilable with the facts which had been set forth in the Report of the Commissioners. With regard to the out-of-door paupers, what was the language of the Reports? They say—

> "In all the cases in which we have dispensed with removal to an asylum we have provided against abuse, by taking care that there shall be medical attendance, and due attention to the wants and comforts of the patient."

That was their language in Report after Report. What greater assurance could the House or the country have, that these lunatics were properly taken care of. But how was this statement to be reconciled with the Report of the Commissioners, which showed that uniformly the pauper lunatics in Scotland had been treated in the most disgraceful manner? What became of the case of the lunatic who was chained by a short chain, two yards long, for thirty years, and fed like a dog? It was impossible, therefore, to say that the Board of Supervision had not suppressed the facts in their Reports. He might have overstated the power of the law in such cases when he addressed the House on a former occasion, but he would still say that the law was humane, and provided that these poor lunatics should be cared for by the parish. At all events, it gave the Board the most ample power of supervision and inspection with reference to lunatic paupers of all descriptions, and that it had not been carried out as it ought to have been was, he maintained, owing to the laxity by which the proceedings of the Board of Supervision had been characterized. With respect to the custody of lunatic paupers in poor-houses, he had that morning read a document to be found in the appendix of the Report, containing the evidence of Mr. Walker the Secretary to that Board, which he must say was one of a most extraordinary nature, inasmuch as any one would be led, if he attached implicit credit to it, to imagine that no grievance whatsoever existed in connexion with the management of those lunatics. The Secretary to the Board of Supervision stated, that the pauper lunatics were well cared for, and that he did not think the Board would sanction their transfer, even in a single instance, from one place to another, merely for the sake of saving a few pounds. He (Mr. Ellice), however, should like to know how that statement was to be reconciled with the fact of lunatic paupers having been removed, for the sake of saving a few pounds, from the Murray Asylum in Perth to a licensed house in East Lothian, where they had very soon died off? The secretary went on to add, that those lunatics who were admitted to the poorhouses were either harmless, imbecile persons, or persons in whose case there was no chance of a cure being effected, and that they were not received into the poorhouses without a warrant from the Sheriffs. But did that evidence tally with the account which had been given by the Commissioners? Why, he held in his hand a list, from which he found that in almost every one of the poor-houses lunatics were confined without any legal warrant whatsoever. Such was the case, for instance, in the poor-house at Dunfermline. Again, in the poor-house at Dumfries there were no less than eight insane persons who had been turned loose among the rest of the inmates without the authority of a warrant, or even of a medical certificate. At Dalkeith two male and ten female paupers, who were insane, were confined, and no separate accommodation had been provided for their use. The charity workhouse of St. Cuthbert contained eighteen male and thirty-nine female insane paupers, who had been admitted into the establishment without any legal warrant, and yet all those places were in the immediate vicinity of the authorities, St. Cuthberts being only half a mile from the room where the Board assembles, and ought, one would suppose, to be under their direct and particular control. Here was a house in which insane paupers were confined indiscriminately with the sane in defiance of the law, and yet the Board of Supervision asserted that their supervision was perfect, and that these paupers were all visited by medical officers. Mr. Walker was a gentleman of high character, yet his statements were controverted and shown to be directly opposed to the fact. In a poor-house only a few hundred yards from his own door, either the members of the Board were sitting still and did not know what was going on, or they wilfully concealed the facts. The Lord Advocate might pass as many laws as he pleased to remedy the present state of things, but he warned him they would be of no avail unless the Executive took care that they were put in execution by the authorities. He had before him a return of the outdoor paupers who were directly under the Board of Supervision, because it was by their means they were allowed the exemption of not residing in the poor-house. It was thought he had some monomania on the subject of the poor law in Scotland; but his conviction was, that the allegations he had brought under the notice of the House were true, and, that if the law were put in force in the spirit in which it was agreed to by the Legislature, it would be sufficient. But his conviction was, that the law was not so put in force, and that the poor were in a different state from what the Legislature contemplated. He had moved for a return of the number of inspections made locally into the condition of the poor in the parishes of Scotland, and he found that, in most of the cases where the greatest grievances existed, the Board of Supervision took credit for visiting those parishes. In one parish in Argyllshire, which was visited by an inspector of the Board of Supervision, no remark was made; but he found that in this parish there were three cases reported on by the Commissioners, in two of which, women of thirty-two and thirty-four years of age respectively, who had been mad from birth, had each had an illegitimate child; and, in the third, a woman of forty-four, who had been fourteen years mad, was reported to be not properly clothed, and not taken care of. If such things could take place without remark, in parishes which had been visited by the Board of Supervision, their inspection was worse than useless—it was mischievous, because it led the public to believe that the lunatic paupers were taken care of, when they were neglected, ill-clad, and ill-fed. In another parish, seven cases of lunacy were reported by the Commissioners, the parties being great objects and very ill attended to. Sir J. M'Neill had himself visited that parish, and if the head of the Board of Supervision overlooked such cases, what security could there be that the poor law was put into proper execution in Scotland? In a Report made two or three years ago, Sir J. M'Neill stated that the whole system of the poor law in Scotland was a recognition of the right to relief, that the poor had a right to take statutory proceedings when they were aggrieved, and that they had facilities for claiming relief which were not known in England or any other countries. This was accepting, on the part of the Board of Supervision, a responsibility which they now had to answer for. He could only say, that if the poor of Scotland had such a protection, they had been most cruelly defrauded of it. He was sorry the Lord Advocate had attempted to defend a state of things that was indefensible. At present the administration of the poor law in Scotland was a mockery and a delusion. As to the Bill introduced that evening by the Lord Advocate, he wished for the present to reserve his opinion as to its provisions. He certainly was of opinion, that a Board in Edinburgh was most objectionable, seeing what they had got from having a local poor law Board there. His own opinion, and he believed it was shared in by the majority of Scotchmen was, that the Lunacy Board of England, which did its work most admirably, ought to have its power extended to Scotland in the same way as to Wales, with, of course, the assistance of additional machinery. At the same time he was not in the least for relieving the local Boards of their responsibility. There was one point to which the learned Lord Advocate had not alluded, and upon which he hoped he would yet insist—namely, that the whole of those horrid receptacles of filth and oppression, the licensed houses, should be closed against the reception of pauper lunatics. The present horrible system could not be effectually uprooted unless they suppressed those abominations, and placed the whole of their patients in establishments under the direct control of the Board. With regard to the provision requiring the removal of pauper lunatics from their friends, he doubted whether that was a humane regulation in all instances. In many cases of idiotcy, for example, where the patient was perfectly harmless, he might very well be left to the custody of his friends—proper care being taken, of course, that he should not be neglected. If the Lord Advocate succeeded in passing this Bill—and certainly the public demanded the introduction of a measure on this subject—he ought to take care that its provisions were put into strict execution.

Mr. DRUMMOND said, that he had heard with regret the speech of the learned Lord. Its tone resembled the remark of the hon. Gentleman who spoke last, who, in allusion to former Motions, of his own on this subject, said "that something occurred, and so the thing went on." Unless the English Members took the trouble to make themselves masters of the details of this Report, and insisted on justice being done to the pauper lunatics of Scotland, there was great danger that the provisions of this Bill never would be enforced, and matters would continue pretty much as they now stood. He (Mr. Drummond) had previously stated that there were ten cases mentioned in the blue-book of direct breaches of the law, which it came within the Lord Advocate's province to punish or correct; but the learned Lord hinted that this was an exaggeration. He had since taken the pains to read over again, not only the Report, but also the Appendix, and he found no fewer than fifteen cases of direct and wilful breaches of the law. He called attention to the Appendix, because, although it was said that these charges were not proved, there was not a single allegation in the Report which the evidence in the Appendix did not support. He had further said, on a former occasion, that the Board of Supervision were chiefly responsible, and that assertion he now repeated. The law directed that the parochial Boards should lodge pauper lunatics in suitable asylums; and when the inspectors reported to the Board of Supervision, the latter body were empowered to act where the local authorities refused to do their duty. The blue-book showed that the sole aim—especially in the houses where the patients were principally paupers—had evidently been to accommodate the greatest possible number at the smallest possible expense. The saving of money to the rate-payers, not the benefit of the poor, was the object sought; and that, among other reasons, made him distrust a separate Board for Scotland. True economy was, no doubt, a very right thing; but what was called economy in Scotland was a prolific source of insanity. He charged the Board of Supervision with being the creators of insanity, and the evidence before the House abundantly established that charge. Pauperism and under-feeding acted powerfully in producing certain kinds of insanity, and many instances might be cited in which the dietary of the poor, especially in the Highland districts, was miserably deficient. The patients in the Lily bank Asylum, in the Lothians, were under-fed and badly clothed. There were numerous passages to the same effect scattered through the Report. He would quote another:—

> "It never should be forgotten that imperfect nutrition is one of the most frequent causes of insanity among the poor."

Now, the dietary of the poor was exclusively under the direction of the Board of Supervision, and as that Board did give insufficient food, they were manifestly more to blame in this matter than any other person in Scotland. But the learned Lord said "True, the treatment of these poor creatures has been atrocious—nothing could be more dreadful; but then, there are doubts as to the construction of the Act, and everybody has done what was right according to the best of his judgment." Whatever their other differences, they were all united on two things—namely, in refusing to obey the law, and in starving the poor. It was all very well to talk of the success of the Lunacy Board in England. He had been in frequent communication with the Lunacy Commissioners in England, and they had informed him that many cases of improper treatment of lunatics existed which they could not correct, because they had no means of obtaining the necessary evidence. That that was a growing evil was apparent from the many advertisements they saw in the newspapers, in which persons offered to receive old gentlemen and ladies of weak minds. Many of these private establishments were unknown to the Lunacy Commissioners, or to the public. A principle totally opposite to that which had hitherto been practised must be introduced, if they wished to see the state of the Scotch lunatics remedied. It was the poor, and not the money of the rate-payers, that ought to receive the first attention. If the Board of Supervision, for the last twenty years, had allowed so many cruelties to be perpetrated, he feared that the present Bill would not be found so efficient as they expected. He owned he had little or no faith in whatever machinery they adopted; for, had there been any wish in the magistrates of Scotland to see the law enforced, the existing law was quite able to protect the poor, and none of these things need have happened.

MR. COWAN expressed his thanks to the learned Lord Advocate for his prompt endeavour to remedy a state of things disgraceful to Scotland, and to the empire. At the same time, he must warn him to avoid the mistake of Lord Rutherfurd, and not attempt to confiscate all the existing private institutions, and appropriate them to the service of the State. He referred to those asylums where insane persons of a higher class of society were provided for, and which he believed were conducted in a

most unexceptionable manner. This, unfortunately, had been done by his predecessor, and he had thereby raised up an opposition which was fatal to the Bill of 1848. He hoped that, under the Bill, some receptacle would be provided for the criminal lunatics, so as to keep them detached from the others.

COLONEL CLIFFORD felt grateful to the Government for the measure, and could assure them that the Lunacy Commissioners of England would use every endeavour to promote its successful working.

THE LORD ADVOCATE, in reply to the observation, that he had not answered the cases of oppression mentioned by the hon. Member for St. Andrew's, said, that it was impossible to do so, because they were anonymous. The Commissioners had applied for the names for the purpose of investigation, but they were not given. If the inspectors and medical officers appointed by the Board of Supervision to report upon the state of these asylums had failed in the discharge of their duty and misled their employers, surely the whole of the blame of the present condition of Scotch lunatics ought not to be imputed to the Board. From year to year the Board had complained that the law was ineffectual, and it was therefore disgraceful to the Legislature, and not to the Board, that these lunatics were shamefully treated. Parliament was to blame for placing in the hands of the Lunacy Board a machinery which they were unable to work. They were required to see that the pauper lunatics were properly taken care of, and yet there was not accommodation for them provided. Bad as was the state of the lunatics in Scotland, it was a great deal worse when the Board of Supervision began its labours.

Leave *given.*

Bill "to alter and amend the Laws respecting Lunatics in Scotland," *ordered* to be brought in by the LORD ADVOCATE and Sir GEORGE GREY.

HIGHWAYS BILL.

LEAVE. FIRST READING.

MR. MASSEY moved for leave to bring in a Bill to amend the Laws relating to the management of Highways in England and Wales. He said, that under the existing law that portion of the highway which was not regulated by special Acts of Parliament, was governed by the Highway Act of 1835, which was based on a system of parochial management, but which had resulted in the whole management of the highways being practically vested in the parish surveyor. This was an officer elected on a low pecuniary qualification, and at hap-hazard, and when he said that he was an unpaid officer, he need hardly add that he was an incompetent officer. This parish surveyor had not only to manage the highways, he had other duties to perform; besides calling vestries together, removing nuisances, and assessing the parish to the rate, he had to levy the rate, and to discharge other duties connected with the highways, which would occupy the time of competent and skilful men. The result of the system was to cause almost universal dissatisfaction, and create a desire to get rid of a system of management which was no management at all. The object of the Bill he was about to propose was directed only to the management part of the Act of 1835, with a view of doing away with the system, and subtituting another for it. He should have said that the audit of the parish surveyor's accounts was a mere nothing. He had only to verify his accounts on oath, and there was no means of checking them—no power to make him produce his vouchers or to disallow or reduce any of his charges—in short, there was no power anywhere to see that he did his duty. He had the sole management of everything relating to highways, and was responsible to no one. The result was, that under the present system the roads had fallen out of repair—there had been a great deal of jobbery—and a large fund, amounting to nearly a million—which ought to have been employed in those repairs—had been misappropriated. It would be perfectly idle to propose any amendment of the present law, which was not based on a solid foundation, and accordingly he proposed to introduce a different system. In the first place, he proposed to relieve the parish surveyor entirely of the duties now imposed on him, and to substitute, with some alterations, a system which had been for some time in operation in South Wales. That system was rather complicated, but might easily be simplified. The highways were under the direction of County Boards and District Boards, the latter of which did all the work. He did not propose to retain the County Boards, but to constitute District Boards, and to apportion the county into districts for the purpose of highways. He meant to go on the principle of dealing with the system of highways generally, without making any distinction with regard to turnpike roads. Then came a question as to the area over which those Boards should have the superintendence. On the one hand, they ought to avoid the narrow area that now existed, and which did not give sufficient scope for management; and, on the other, it was desirable not to spread the area over so wide a surface that the benefits of good management would be lost. He had, therefore, endeavoured to attain as favourable a medium as possible. The hon. Member for Petersfield (Sir W. Jolliffe), who held the same office under Lord Derby's Government that he (Mr. Massey) now did, left in his office a Bill on this subject, and, aware of the great knowledge which that hon. Gentleman possessed regarding it, he had endeavoured, as much as possible, to make the present Bill correspond with that of the hon. Gentleman. The opinion of the hon. Member for Petersfield was that the best mode of laying out the districts was not to follow the divisions of the Boards of Guardians but those of the petty sessions. This view he had adopted in the Bill. With regard to the constitution of the District Boards, he was desirous of having them composed of men acquainted with the local wants of the districts, and, therefore, he proposed that the resident magistrates of petty sessional divisions, and the incumbents of parishes should be *ex officio* members of the Boards. In order that the ratepayers should be represented, he proposed that every parish should elect a way-warden, whose qualification would be superior to the present parish surveyor, namely, that of a poor-law guardian. This, he believed, would give a Board composed of persons who took an interest in the district, and who would give their attention to the administration of the law. He next proposed that a surveyor with competent practical knowledge should be appointed by the Court of Quarter Sessions, and that he, under the control, direction, and superintendence of the District Board, should have practically the maintenance of the highways. Then, in order that the ratepayers should be satisfied that the funds were properly managed, provision was made for an annual audit of the accounts of the district, which would be examined and passed by the Boards. On the next point there might perhaps be some difference of opinion, because he proposed to make a material innovation in the present law. At present each parish assessed its own expenditure for roads, but he thought it would be more reasonable if the fund were a district than a local one, and, therefore, it was proposed that there should be a district rating. This part of the Bill applied to the rural districts only, but as a practice had lately grown up—a very salutary practice—of recognizing the efficiency and competency of corporate bodies to deal with matters of local interest, and, therefore, as regarded highways within municipal boundaries he proposed that the duty of superintending and managing them should devolve upon the town councils. He had carefully considered all the objections which had been urged to former schemes, had endeavoured to avoid them, and in this Bill had aimed at following what appeared to be the sense of Parliament and the exigencies of the case.

MR. WATKIN asked whether it was the intention of the hon. Gentleman to interfere with the management of those roads at present under the control of metropolitan trusts. [Mr. MASSEY: They will be excepted.] He would remind the hon. Gentleman that there were no less than 117 tollbars within six miles of the Post Office, and that £58,000 was thus collected in 10,000,000 separate sums. This was naturally felt to be a great grievance. The Legislature had been applied to to remedy a similar state of things in Dublin; and it was felt in London that the subject was one requiring the attention of the Government. He would press upon the hon. Gentleman the propriety of adding another service to those he was about to render, and to include the abolition of the tollbar nuisance in London in the Bill which he was now introducing.

MR. ADAMS concurred in thinking that almost any change made in the management of the highways must be for the better. There was no doubt that the present law required amendment, for the highway rate was now made subject to all sorts of irregular charges. The hon. Gentleman, however, would, he hoped, avoid one great error which had induced the failure of other propositions; he ought to make the Board really an elective one and not swamp it by the addition of too many nominated and *ex officio* members. The area of petty sessions adopted would in many instances be far too wide a one, and he would suggest that the hon. Gentleman should extend his inquiries into the management of highways under the Board of Health, when he would probably find quite as great a necessity for making alterations there as in the parochial districts. With regard to the great majority of corporate towns, the management of the highways was neither in the hands of the parochial nor of the corporate officers, but was vested in local commissioners appointed under the authority of local Acts of Parliament. The hon. Gentleman would probably find here also that there was as much misconduct among these commissioners as among parochial officers, and it would be worth considering whether it would not be necessary to interfere with such local Acts, and to take the management away from these commissioners.

MR. SLANEY wished to thank the hon. Gentleman for having introduced the measure, and to express his sense of the defects of the present system, which he said was utterly powerless to secure the good management of the high roads. He hoped provision would be made for enforcing the construction of footpaths by the side of the high roads, so that the poorer as well as the richer classes might be accommodated, and that it might be possible to remove the tollbars in London still further from the town.

Leave given.

Bill "to amend the Laws relating to the management of Highways in England and Wales," *ordered* to be brought in by Mr. MASSEY and Sir GEORGE GREY.

Bill *presented*, and read 1°.

CHARITABLE USES BILL.

LEAVE. FIRST READING.

MR. ATHERTON asked for leave to introduce a Bill to amend the law relating to the conveyance of land for charitable uses. The Bill he proposed was, with some alterations, and, as he believed, improvements, the same as those to which the House had agreed in 1855 and in 1856, but which had not received the assent of the other House. The importance of the measure and its peculiarity induced him to lay before the House a statement of the evils proposed to be remedied by this measure, and the nature of the remedies suggested. The title of the Bill showed that it was to be confined to lands given to charitable, including religious, uses. In ancient times perpetuity was attained by making over lands from a lay proprietor to a corporation, which had the effect of making land inalienable so long as the corporation remained in existence. In the hands of these corporations lands might be literally considered to be in mortmain, and it was against them that the statutes called the mortmain acts were levelled. Then followed the device of uses and trusts, by means of which lands were given to trustees for charitable or religious uses, the Court of Chancery enforced them, and perpetuity was attained by transfer of the land from one set of trustees to another in succession. Still there was no literal infringement of the mortmain laws. So matters continued until the passing of the existing Mortmain Act, the 9th Geo. II., c. 36. That statute had continued to the present time to be practically the mortmain law of the country. The main and primary object of that Act was to prevent those deathbed bequests of land to charitable and religious uses which were found to prevail at the time, and it provided in effect that no land should be dedicated to charitable uses except by deed. That part of the law he (Mr. Atherton) proposed to leave as it stood. The Act of George II. then proceeded to make certain provisions and to impose certain restrictions with reference to the dedication of land to those purposes by deed; but there was a difference between the case of a *bonâ fide* sale for a valuable consideration and the case of a voluntary gift, and the reasons which rendered restrictions necessary in one case did not universally apply to the other. In this view he was supported by the Report of a Select Committee which sat in 1852, and which recommended that all restrictions, except enrolment, should be abolished in the case of *bonâ fide* sales; and that a measure should be introduced to remedy any defects in the titles of lands already devoted to charitable uses where there was no question as to *bonâ fide* sales having taken place. In the present Bill he proposed to make a distinction between deeds relating to land conveyed for a valuable consideration already executed, and deeds hereafter to be executed. With respect to any past deed he proposed to dispense with the provision that it should have been executed in the presence of two witnesses—the provision which required that it should have been enrolled within six months after its execution—and with the provision that the deed should be without reservation, trust, or agreement, for the benefit of the grantor or person claiming under him. But he proposed to make it a condition that deeds already executed should have been, or should hereafter be, enrolled within twelve months after the Act coming into operation. It was of great importance that there should be some means of ascertaining how much land had been withdrawn from circulation, if the term might be used, and dedicated to charitable purposes, and also the object and nature of the trusts created. In the case of future deeds of that kind he dispensed with all the requirements of the old statute, except enrolment. With respect to the conveyance of lands not for a valuable consideration the requirements were much the same as those provided by the Act of George II., including the provision that the deed must be executed twelve months prior to the death of the grantor. But under the existing Act, the grantor or conveyor was prohibited from making any reservation for his own benefit. Suppose that in a mining district a site was wanted for a chapel, school, or church, it was not competent for the person granting the surface for a charitable purpose to reserve the minerals for himself, nor even a right of way. Stipulations also as to the formation of streets, or particular classes of buildings, drainage, and the like, were prohibited. It was his object to remove these restrictions in specific instances where he thought they produced inconvenience. Again, it had been the practice in many cases where persons were not disposed to make public the object of the charity to execute a deed conveying the property, and another declaring the trust. The deed enrolled was the conveying one, but he proposed that where deeds of that kind existed, the deed declaring the trust should be enrolled, and he proposed an analogous provision with respect to deeds already executed. Although it might seem easy to a lawyer to talk about Lord Hardwicke's Act, it was found that, in fact, the titles to many charity properties were in a very unsettled state, through the non-compliance with the provisions of that statute. These titles it was desirable to clear, and the clearance was therefore one of the objects of his Bill. Such were the main points of the Bill which he now asked the leave of the House to bring in. He believed it had been put in a shape to carry out creditably his intentions, and he had less hesitation in saying so, as he had had the advantage of some suggestions from the Attorney General, and also of two gentlemen connected with the Statute Law Commission.

Leave *given.*

Bill "to amend the Law relating to the conveyance of Lands for Charitable Uses," *ordered* to be brought in by Mr. ATHERTON, Mr. MALINS, and Mr. HADFIELD.

Bill *presented,* and read 1°.

NETLEY HOSPITAL.

RETURNS MOVED FOR.

SIR DENHAM NORREYS rose to move for an Address to the Crown for returns respecting Netley Hospital, showing by whom the site was selected, whether any reports were made on its salubrity and general eligibility for its purpose previous to selection, and by whom. By whom the original plans were prepared, whether they were submitted to any medical authority for approval, by whom they were officially sanctioned, and whether any report was made upon them, and by whom, previous to their being sanctioned; statement of the alterations of, or additions to the original plans which have been determined on, by whom they were recommended, to whom they were referred for approval; and Copy of Correspondence, or Reports relating thereto, which have led to the adoption of the amended plan. He said that as he understood the Motion would not be opposed, it would be unnecessary for him to make any formal statement on a subject respecting which he personally knew nothing. He based his Motion on the assertion of an hon. Member a few nights ago, that the site of Netley Hospital was improperly chosen, being most insalubrious; that no reference had been made to the proper medical authorities; and that the plans had been so badly drawn up that the estimate of £150,000 originally laid before the House had been increased by £110,000. His object in making the present Motion was to give the Government an opportunity of removing that which was a most disgraceful imputation on the official departments of this country. He was informed that as far as the salubrity of the site was concerned the Government made every effort to be satisfied on the point. As to the plans there could be but one opinion, that whenever plans were laid before the House they ought to be carefully drawn up in order to avoid additions being made to the estimate. The Estimates for the public offices would soon be before the House, but as there were many new Members, he, as an old Member, would warn them that, according to the practice of all Governments, those Estimates would not be brought before them until the dog-days had come and nine-tenths of hon. Members had gone out of town. Then, when the House was nearly empty, supplemental Estimates would be brought in. He heard some hon. Gentlemen talk about a mediæval plan for Netley Hospital, but he trusted that those who had to sanction the plan for the Hospital, would not have the bad taste to caricature the ruins of Netley Abbey by placing a mediæval Hospital near it. The hon. Member concluded by proposing his Motion.

SIR JOHN RAMSDEN said, there was no intention on the part of the Government to oppose the granting of these returns, which he hoped would be the means of removing a misapprehension that prevailed with respect to Netley Hospital. To the report that the site for the hospital was chosen without proper consideration he could give the most decided contradiction. The site was not selected by any Government official at all, but by a gentleman of very high standing in the medical profession, who was directed to choose within certain limits the most eligible situation for an hospital. That gentleman made a Report, and the site was chosen in accordance with his recommendation. He had so recently explained the cause of the discrepancy between the original estimate and that now presented to Parliament that he should not be justified in wasting the time of the House by repeating the statement.

MR. STAFFORD said, that the return moved for by the hon. Baronet was exactly the return which he could wish, and, if honestly prepared, which he had no doubt it would be, could not fail to afford some important information to the House. Upon a former occasion he had stated that certain extensive alterations were made, or attempted to be made in the hospital at Netley after the erection of the foundation and a considerable portion of the superstructure. That was a serious charge to make against the Government, and he felt it was necessary and incumbent on him to support it. If the House would permit him to read the grounds upon which he made that assertion, and upon which he now ventured to adhere to it, he would be glad to do so; but the document to which he had to refer was one of several pages (*cries of* "Oh!"), and there might be an impatience on the part of the House, after the varied and interesting subjects to which its attention had been called that evening, to enter so largely into the paper which he held in his hand. The document in question, of which he would merely state the substance, was forwarded to Lord Panmure by all the medical men of the Middlesex Hospital, an institution second to none for its management and its construction. It entered into details with respect to the construction of the Netley Hospital; it stated that every one of the wards had to receive the air either through the corridor or else through windows looking to the north-east, which was well known to be the aspect least favourable to the recovery of patients. It severely criticized the height and width of the wards, the position of the rooms assigned to the orderlies, the whole system of ventilation, and the confined court, not extending above 170 feet, into which the windows of all the wards looked. It described the system of latrines as so dangerous that there would be constantly throughout the building what was called "an hospital atmosphere," in which it would be impossible for the attendants to maintain their health, or for the sick to escape from fever, hospital-gangrene, and other diseases. He would move for a return of this document, in order that it might be laid before Parliament *in extenso*, or that Government might take the responsibility of refusing it. It was signed by gentlemen whose names commanded so much respect, and who were of such great celebrity, that it was fitting he should refer to them more particularly than he had yet done. They were Drs. Francis Hawkins, Seth Thompson, and A. P. Stewart, physicians to the Middlesex Hospital; Messrs. Alexander Shaw, Campbell, De Morgan, and Charles H. Moore, surgeons to the Hospital; Drs. S. J. Goodfellows and Henry Thompson, assistant physicians; Mr. Mitchell Henry, assistant surgeon; Dr. R. T. Frere, physician accoucheur; and Mr. George Corfe, apothecary. But, further correspondence had passed between these gentlemen and the Secretary at War. He held in his hand their last communication to Lord Panmure, which, he was sorry to say, had not been favoured with an answer. It was dated the 4th of May, 1857, and commenced as follows—

> "We have the honour to inform your Lordship that a deputation from our body attended on Tuesday, the 28th, at the War-office, on the subject of the proposed Royal Victoria Hospital. Captain Laffan explained to us the nature of certain alterations which the military authorities had decided upon making in the internal arrangements of the building, and especially in the position of the latrines; and he also entered at considerable length into the system of artificial ventilation which he stated would probably be ultimately adopted."

He might here mention that the plan of Captain Laffan was to draw the cold air from a field in the vicinity by means of an enormous tunnel, and to suck it up through the building by means of a vast furnace placed on the top of the hospital, every window, of course, being kept shut. The deputation pressed upon Captain Laffan the perils of such a plan of ventilation; told him that the natural mode of opening the window would be far better; that the furnace would cause an enormous expense; that if at any time the heat should be diminished, the bad air would not ascend, but descend, and that the proposal of forcing up the effluvia of latrines by means of steam had been tried and proved a failure. They then went on to say—

> "While we admit that the adoption of some of our suggestions is likely to be productive of a certain amount of benefit, we are yet unanimously of opinion that the whole plan of the hospital is radically faulty, and we are persuaded that the contemplated scheme of artificial ventilation, as explained to us by Captain Laffan, will in all probability aggravate the very evils which it is intended to remedy. We were informed that the plan of the building had received the approval of several of the medical officers connected with other of the metropolitan hospitals, but we have reason to believe that there may be some misconception on the minds of the Committee at the War-office as to the extent to which this is the case. In this statement we refer especially to the size of the wards, to the construction of the corridor, and to the proposed, but highly objectionable method of artificial ventilation,—which we may be allowed to mention are the three most important points connected with the sanitary economy of the hospital. We think it a matter of regret that the medical gentlemen whose opinions were desired had not the opportunity afforded to them of meeting together and investigating the plans as well as the proposed alterations, as such a course would have insured a more satisfactory result than is likely to be arrived at by merely asking the opinions of individuals who had had no previous intercommunication, upon isolated points unconnected with the general arrangements of the building. In conclusion, we have only to express our earnest hope that your Lordship will not sanction the present plans, which may, and in our opinion will, simply convert a large and costly building into a hotbed of

erysipelas and hospital gangrene. It was mentioned to us that this would probably form only the commencement of extensive military buildings in the neighbourhood of Netley, and if this be the case your Lordship may consider whether it would not be a more prudent, as well as eventually a more economical course, to abandon the intention of completing the present buildings as an hospital, for which they are so ill adapted, and to convert them into barracks, or other military structures requiring less peculiar sanitary arrangements."

That was the statement of men whose character and eminence no one could question. He hoped it was not too late to carry into effect the suggestions which they had made from practical experience in their own hospital. When the return was laid upon the table they would be able to see what professional gentlemen — engineers or medical men—had boldly taken upon themselves the responsibility of an hospital, open to such criticism. They were supposed now to be founding a model hospital for the troops. He said nothing of the difficulties of the foundation. He said nothing of the increased expense which the muddy nature of the soil had required for that foundation. He said nothing about the site and the muddy banks left bare at low tide. He would not enter into those questions nor give much weight to the alarm about ague, which was stated to be one reason against the situation of the building. He rested his objections upon this—that alter the building as they might, they could never make it such an hospital as ought to be constructed with their present knowledge of sanitary arrangements, and with the experience which had been so dearly bought. They had voted the money, and the building was now in progress. He commended it specially to the care of the Government. He did not wish them to take the statement of the Middlesex Hospital gentlemen as not open to contradiction. Let them examine men who had characters to lose, who had reputations to sustain, whose names would carry weight through the country, and if it were possible, even now, let them desist from spending hundreds of thousands of pounds in order to erect a building which in site perhaps, but certainly in construction, far from being a credit, would be a disgrace, and, far from saving the lives and restoring the health of our soldiers, would, as stated in the opinion he had quoted, be "a hotbed of erysipelas and hospital gangrene." He thanked the hon. Baronet for bringing forward the subject. He was glad the Government had made up their minds to grant the Return, and he hoped that Return would speedily be laid upon the table of the House.

MR. SIDNEY HERBERT: I was rather in hopes that the Government would have made some explanation in answer to the statement of the hon. Gentleman who has just sat down. I confess that I am not one of those who think that anything extraordinary has happened when an estimate made by the Government turns out to be insufficient for the ultimate completion of the works, because I have observed that in commercial undertakings and in private undertakings the same thing invariably happens. I do not find that railroads have been completed for the original estimate. I do not find that a Crystal Palace brings in the dividends which were originally contemplated. When works upon a great scale are in question, I think the Government must have that allowance made for them which is made to all other men, to all companies and associations, and that the difference of cost consequent upon the fallibility of engineers and architects must be paid by those who engage in the undertaking. I make no charge upon that ground, because I expect such a result when dealing with large sums. But here is a case of really very great importance. Our hospitals for the army are no doubt inferior, not only to our civil, but to our naval hospitals. The most cursory comparison will convince any one of that fact. We wish to remedy the evil by constructing a hospital worthy of the country and of the purpose to which it is devoted. As far as we can see at present, if not failure, great doubt as to success is thrown upon those charged with this construction. The hon. Baronet, the Under Secretary for the War Department, says he can show by the papers that the site was not adopted or the construction determined upon without great deliberation. That is quite possible, but great deliberation is very often followed by failure. In one sex we know it is equivalent to being lost. In this particular instance the multiplicity of counsels does not inspire confidence. The gentlemen of the Middlesex Hospital made representations with regard to the construction of this building, and it was fortunate they did so. The Government, when they saw the objections, inquired into the plans. The army hospitals at Chatham and Portsmouth are upon one construction, which has been condemned. Unfortunately in the plan adopted at Netley that identical construction was adopted. The fault of the construction in the hospitals at Chatham and Portsmouth is that they have a long corridor, from which open a series of narrow wards having only light by windows at the extreme ends. What is now received as the best plan for the construction of an hospital is—detached buildings, with windows opening on either side, so as to obtain a thorough draught from side to side instead of lengthways. If the windows are lengthways the opening then creates a draught, like the wind passing through a tunnel, and causes so much inconvenience, that they must be closed and the ventilation stopped. It is only fair to say that the wards in this hospital are not of great length. Not only is it necessary that the wards of an hospital should have plenty of air, but plenty of light and sun. A building with a large corridor in front may be made very architectural, the back opening upon offices, which are not very presentable. But if you make the corridor in front, you must put the lights at the back. In this instance a handsome frontage is put facing the river, and the windows for the passage of air into the wards are in the contrary direction. But the result is, that the windows look upon the north-east, which is a bad aspect, instead of upon the south-east, which is a good aspect. Subsequently to the remonstrance a very great improvement has been made. The corridor is to be constructed on a series of arches, which will be glazed in winter, and open in summer. So far as the defect of construction can be remedied it has been remedied, but defects still remain. But I believe if you built separate buildings there would be much less chance of infection, and that the draught and light from the two sides would render the place more healthy. As regards the site, there is a great difference of opinion. I always understood that Southampton Water was not what is called an unwholesome, but a relaxing climate. If this hospital is meant for the reception only of individuals coming from tropical climates, I do not think that a disadvantage. But I am informed that Southampton Water lies upon a bed of peat, with a coating of mud, not so deep but that the salt water percolates through the mud to the peat, and there generates sulphuretted hydrogen gas. It is not a very pleasant atmosphere to enter the windows of an hospital. At the same time, I believe that the hospital has been sufficiently removed back, or the esplanade thrown so far into the water that any noxious effect from any gas of the kind will be prevented. But there is a radical error in the selection of the site. You are going to build an hospital of 1,000 beds. Your object will be twofold. First, it will be made a model for army hospitals; secondly, it is to become a medical school for young practitioners of the army. If it be an invalid hospital you will receive into it all men sent home pensioned and discharged from foreign countries. But it is not in connection with any existing garrison. If a man falls sick at Aldershot or Portsmouth you cannot compel that man to be shaken for a number of miles over a railroad, because you have built a large hospital, and want to fill the beds. And there will be this disadvantage, that those who are to receive instruction in this hopital will be confined to the study of chronic cases,—of men who have come ill from abroad, and not of men taken ill on the spot. I believe the faults of the construction of the hospital have been remedied to a great degree; but upon the question as to whether the hospital is in a position which will make it the most available for the use of the army, I confess I am bound to say the choice of a site has been most unfortunate.

Viscount PALMERSTON: No doubt this is a question of considerable importance, because when a large sum of money has been laid out in the construction of an hospital, it is desirable that the building, both in regard to site and construction, shall be calculated to cure and not to prolong or create disease. With regard to the difference between the original estimate and the subsequent one, my hon. Friend (Sir J. Ramsden) gave what I thought a proper and satisfactory explanation. He stated that when the estimate was first presented it had not been found possible, from want of time, to frame an estimate according to a given plan, but that the estimate was framed from what was assumed from former experience to be the cost of an hospital of a given size and on the old plan by practical men. A rough plan was afterwards made, and it was found necessary to frame an estimate for a larger sum than was originally put upon the Votes with regard to the building in question. With reference to the site, I certainly never heard that that side of Southampton Water was called unhealthy.

We all know that the Forest, which is on the opposite side, being on very low ground and wet, has been considered to a certain degree unhealthy; but the spot on which this hospital is to be erected rests upon gravel, and is elevated and open to currents of air, and there has been no reason to suppose that it would be unhealthy, or not adapted to the purpose for which it is intended. With regard to the construction, all who have attended to the subject, know that there is considerable difference of opinion as to the proper mode of constructing a building designed for an hospital. My right hon. Friend (Mr. Sidney Herbert) states that the most approved plan is one in which there is a corridor, with blocks of buildings attached, separated from each other by spaces, and stretching away at right angles. There are certainly advantages in that arrangement, because it enables you to get a draught by side windows through each ward. But those blocks, separated from each other by spaces, look into narrow and confined courts, because the very blocks make confined courts of themselves, and so prevent a free and complete circulation of the air. Neither can the air come so rapidly out of confined courts through side windows as through windows at the end, supposing the wards were not too long. [Mr. S. Herbert: You should have windows at the side as well as the end.] But if the whole of the wall consisted of windows, it would be difficult to place the beds so as to be free from draught. Again, it has generally been found that large wards are bad, and that it is much better that there should be a small number of patients in each ward. I can only assure the House that this matter has attracted the serious attention of the Government, and that great pains have been taken to get men capable of giving an opinion upon it. The papers which my hon. Friend (Sir J. Ramsden) has agreed to produce will show what steps have been taken on the subject; but to a matter of such importance as this, great attention should be paid, so that the building shall be fit for the purpose to which it is intended, and the House may rest assured that we shall not with our eyes open erect an edifice which shall be a source of sickness and disease, instead of a source of health.

Mr. TITE said, that from the attention he had paid to the subject of ventilation with reference to the rebuilding of the general Hospital at Bath, he was convinced that the only good system of ventilating any building was to adopt the old-fashioned and simple plan of opening the windows. He deprecated the construction of shafts, furnaces, and a complex apparatus. The windows ought to be large and lofty, and capable of being opened at any height. A costly experiment had been made of a different system at Guy's Hospital, the leading feature of which was a large furnace, but he was informed it had failed; and, indeed, they had only to look to the House in which they were assembled, where, after enormous expenditure in experiments upon ventilation, recourse was at last had to open windows for a natural current of air. The best recently erected Hospital was that of King's College, which he recommended for a model, and hoped that it would be followed. He could not help thinking that in the matter of hospital accommodation this country was much behind the Continent, because at Milan there was a free establishment which was capable of accommodating 3300 patients, and the wards of which were magnificent. That hopital was constructed on natural principles, and the ventilation secured by opening the windows. He was of opinion, also, that warming could best be secured by open fire-places, and not by any system of stoves. He was well acquainted with Southampton, and did not consider that its neighbourhood was at all unhealthy or unfitted for the erection of an hospital for 1000 patients. The site of Netley Abbey was extremely beautiful to look upon, and he had great faith in the judgment of the monks, who originally adopted it. Still, as this was an important question, he hoped that before the hospital was proceeded with, these matters would be looked into and thoroughly understood.

Sir DENHAM NORREYS, in reply, said, that he was glad that he had brought the subject forward, considering the discussion it had occasioned. He certainly thought that there must have been something wrong in a plan which had to be altered within two years of commencing operations.

Sir FREDERICK SMITH called the attention of the House to the very great difference between the tenders for the construction of the hospital, which were fifteen in number, and the sums of which varied from the lowest — the accepted one — at £168,000, and the highest, at £256,000.

Motion *agreed to.*

ECCLESIASTICAL COMMISSION, &c.

BILL. LEAVE. FIRST READING.

SIR GEORGE GREY moved for leave to bring in a Bill further to amend the Act relating to the Ecclesiastical Commissioners, and to continue the Act concerning the management of Episcopal and Capitular Estates in England. The object of the Bill was to carry into effect the recommendations of the Select Committee which sat last year, with regard to the leasing and management of Ecclesiastical Estates. The Bill was to some extent in unison with that which had been introduced by a noble Lord (the Marquess of Blandford), and he proposed that the two Bills should be considered at the same time, with a view to the consolidation of their provisions, and to the enactment of a measure which might effect a considerable improvement in the existing law.

MR. NEATE said, he would offer his strenuous opposition to any Bill which would tend to facilitate the alienation of Church property, and to diminish the ability of the Church to meet the demands which were made upon its resources by an increasing population. The tenants of Bishops and chapters, were setting up against the Church and the public a claim of tenant right which was extravagant even in comparison with the wildest notions that prevailed in Ulster and Connaught. It was thought that, whenever a lessee of Church estates went to the Commissioners to buy, they were bound to sell. He wished to know what discretion was left to the Church Estates Commissioners, under the existing law, with regard to the sale or purchase of leases of ecclesiastical property. He should take no further steps at that stage of the Bill, but he gave notice that he should oppose it at a future period.

SIR GEORGE GREY said, the Church Estates Commissioners were not compelled to sell or purchase, and the object of the Legislature had been to vest in the hands of the Ecclesiastical Commissioners and the Church Estates Commissioners such powers as would enable them to render the property of the Church most available for ecclesiastical purposes. The terms upon which enfranchisement could take place were fully detailed in the Reports which had been laid upon the table.

Leave *given.*

Bill "further to amend the Acts relating to the Ecclesiastical Commissioners, and to continue the Act concerning the management of Episcopal and Capitular Estates in England," *ordered* to be brought in by Sir GEORGE GREY, VISCOUNT PALMERSTON, and Mr. MASSEY.

Bill *presented,* and read 1°.

REFORMATORY SCHOOLS.

BILL. LEAVE. FIRST READING.

SIR GEORGE GREY then moved for leave to introduce a Bill to promote the establishment and extension of Reformatory Schools in England. He said, when he introduced a Bill for this object in the last Session, he was sorry to find that it excited very great apprehension on the part of many hon. Gentlemen for whom he entertained considerable respect, in consequence of the benevolent exertions which they had made for the promotion of reformatory institutions. Those hon. Gentlemen feared that the powers which he proposed to give to counties and boroughs to levy rates for that purpose would have the effect of withdrawing from such institutions the voluntary support on which they had previously depended. His object was to provide for the more rapid extension of institutions which had become part of the criminal establishments of the country, many magistrates having represented that they were unable to find any reformatories in their own neighbourhood, and nothing could be further from his intention than to interfere with the arrangement of such institutions as were supported by voluntary contributions, or to set up rival ones at the public expense. He had since had some communications with a number of gentlemen who took great interest in this matter, and he hoped that the Bill which he now proposed to introduce would remove the apprehensions which he had mentioned. What he proposed was, not to authorize counties and boroughs, without reference to any existing institutions, to establish reformatories, but to authorize them to assist voluntary efforts by granting aid in the erection of the requisite buildings, whether in the case of existing or of intended reformatories. Although this proposition did not go the length of his former one, he trusted it would give a stimulus to the work and lead to the establishment of reformatories in many of the largest counties of England, where there was a strong desire expressed for institutions in which criminal children might be placed. The Bill, which was a very short one, would leave the management of the institutions to be settled between the originators who contributed to their support, and the magistrates, who made grants out of the funds at their disposals; but in cases in which new buildings had to be erected, the plans would have to be approved by the Secretary of State, before aid was afforded from the public rates. He should be very glad if he could promote the object to this limited extent without encountering the opposition of Gentlemen with whom he was most anxious to co-operate in this matter.

Mr. ALCOCK said, that the House were not aware what an enormous outlay of public money this reformatory system would involve. At present the average number of juvenile delinquents under seven years of age in Surrey alone was 1,050, who were committed for about forty days, one with another. Their imprisonment cost the county £2 each, or £2,100 in the aggregate. But if 600 of these criminals —making a deduction of 450 for recommittals—were sent to reformatories, and such would constitute the class which would be sent under this Act, the cost would amount to £45,000 a year. It was true that, for the first year, the cost would be only £15,000, but for the second it would be £30,000, and for the third or any subsequent year—and the Act empowered them to be kept there for five—it would be £45,000 instead of £2,100. This calculation he had made upon the basis of the Redhill expenditure, that being the best establishment of the kind in the kingdom.

Mr. GARNETT said, he thought it desirable that the House should proceed cautiously. The weak point in the reformatory system was, that more money and pains were bestowed on bad boys than on good ones. In the borough which he represented (Lancaster) there was the greatest objection to the payment of rates for the maintenance of criminals in reformatory institutions.

Sir GEORGE GREY said, he did not propose to give magistrates power to levy rates for the maintenance of the inmates; they would only be able to contribute towards the original establishment of reformatories, and could not consider that unreasonable, inasmuch as reformatories were in part substitutes for prisons. As regarded the objections made by the hon. Member for Surrey (Mr. Alcock), he would observe that the amount which the Treasury were authorised to contribute would cover the expense of maintenance. The magistrates would only have power to charge the rates for the erection of the buildings.

Leave *given.*

Bill "to promote the establishment and extension of Reformatory Schools in England," *ordered* to be brought in by Sir George Grey, Mr. Baines, and Mr. Massey.

Bill *presented,* and read 1°.

JOINT-STOCK COMPANIES BILL.

THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the Third Time."

Mr. BLAND moved as an Amendment, that the order be discharged, with a view to its being recommitted. By a recent order of the House, new clauses could not be brought up on the third reading, and it was only by inadvertence that he had been unable to move Amendments in Committee. The Bill, he said, was one which involved a great general principle, and which to a considerable extent affected vested rights. It had passed through its previous stages almost without discussion, and he was anxious, therefore, that a further opportunity of considering its provisions should be afforded, before it passed into a law.

Amendment proposed, to leave out from the words "That the" to the end of the Question, in order to add the words "Order for the Third Reading of the said Bill be discharged," instead thereof.

Mr. WHITESIDE said, it was impossible for him to vote for the third reading of the Bill. He found the Civil Estimates on the paper last night, and was informed that they would probably occupy the House two or three hours at least; but when he returned he discovered, to his great surprise, that this Bill had passed through Committee. The Bill was a piece of patchwork legislation, the object of which was to enable contributories to get a person to whose instrumentality they might compromise their liability for five shillings. It was said, however, that the Tipperary Bank and the Royal British Bank would carry this Bill against common sense and common justice. He was quite sure the Attorney General could not be aware of the injustice the measure would perpetrate. The object was not to reconcile any conflict between the Bankruptcy Court and the Court of Chancery, but to enable the shareholders in the Tipperary and British Banks to get rid of their liability. Last year a similar Bill had been promoted by the Tipperary Bank shareholders, but when the House learned the object of the measure the Bill was rejected. Under an old Act of the Irish Parliament, every shareholder in a joint-stock bank was liable to the whole extent of his property; in the event of the bank failing, every atom he possessed at once vested in trustees for the benefit of the creditors. When the Agricultural Bank of Ireland failed some years since, Sir M. O'Loghlen, the Master, decided that the Act applied; and the result was that every creditor got 20*s.* in the pound. The shareholders took the opinion of the then Attorney General for England, Sir John Campbell, but he advised against an appeal. When the Tipperary Bank failed, the creditors thought they had the same remedy; but the Lord Chancellor of Ireland dismissed the Bill. An appeal was now before the House of Lords, and a petition had been agreed to praying their Lordships to fix an early day for the hearing of the appeal. But while counsel were ready to argue this question, the Government brought in a Bill which swept away existing rights. He was glad the Attorney General for England had made up his mind to prosecute the directors of the Royal British Bank, and he should rejoice to see them where they ought to be. He wished also that some gentlemen who were writing letters from Paris were given up by treaty, and while the hon. and learned Gentleman was prosecuting criminally, he should like to see Mr. James Sadleir receive a share of his attention. But what right had the House to say that any suitor who was likely to get twenty shillings in the pound should not have his appeal heard, and should be compelled to compromise his debt for half-a-crown in the pound? He believed that if the House agreed to the third reading of this Bill, they would be making a precedent of which they would be hereafter heartily ashamed. Let a clause be inserted, saying that the law should not affect existing rights, or apply to existing liabilities, and he should not object to the Bill. He was willing that it should apply to the British Bank if the creditors desired it, but the creditors of the Tipperary Bank objected.

Mr. MALINS said, as far as his knowledge went, there had been only one Bill before the House which affected the Tipperary Bank) and as he (Mr. Malins) had had charge of that Bill, he felt bound to repel the insinuation that he was the agent of the Tipperary Bank, or had come forward in the matter for any sinister or improper purpose. He (Mr. Malins) regretted that his Bill did not pass; but it had been defeated chiefly by the strenuous opposition of the hon. and learned Member; and although he was willing to introduce a clause excluding from its operation all concerns respecting which suits were pending, it was not adopted. He now supported the Bill before the House because he believed the shareholders of the British Bank would have been able to pay all the debts of that establishment if they had not been so harassed. The Royal British Bank stopped payment in September last year; the debts then were £500,000, the assets one half that amount; there was, therefore, £300,000 at the utmost to be paid by the shareholders; and if, at the closing of the bank, the shareholders had been equitably taxed, they would not have had to pay more than £100 a share. As matters stood, the debts were bought up for the purpose of commencing actions against shareholders. A general in the army was liable as a shareholder for £5,000, and he offered £20,000 for exemption, but he could not obtain it; and he was now a fugitive abroad. It was the same with several others, solicitors, tradesmen, and merchants, who were obliged to sell their respective businesses and fly the country, where they would remain until the Bill before the House should become law, as it was impossible to protect them in England. There was no novel principle in the Bill, for at the present moment the official assignee in bankruptcy had the power of compounding for the benefit of the creditors in each instance. The Bill would not in the slightest degree affect the appeal before the House of Lords alluded to by the hon. and learned Member, while it would give the power of buying peace in preference to going on with compulsory legislation.

Mr. BAGWELL said, that the creditors of the Tipperary Bank believed that this Bill would deprive them of their just rights against the shareholders of that Bank, who were able to pay much more than twenty shillings in the pound. He therefore entreated the Government not to pass it.

Mr. WYLD pointed out that the representative must have the consent of the

Judge to any arrangement which he might make.

Mr. SPOONER asked the hon. and learned Gentleman the Attorney General whether this Bill, if passed, would interfere with the appeal now pending before the House of Lords in the case of the Tipperary Bank. If it did he could not support it.

The ATTORNEY GENERAL was very sorry that he had not the honour of two minutes' conversation with the hon. and learned Member for Enniskillen, because he was perfectly confident that such a conversation would have entirely changed his opinion of this Bill. The appeal now pending was against the decision of the Lord Chancellor of Ireland, who had held that the old statute of that country had no application to joint-stock banks. If that appeal were successful, the shareholders of the Tipperary Bank would be liable to the full extent of their fortunes. This Bill would not affect that appeal in any single particular, unless the creditors of the Tipperary Bank chose to compromise it and settle the action. Let the House receive the assurance that the creditors either of the British or the Tipperary Bank could not by means of this Bill be stripped of one farthing, save by their own consent, and with the approbation of the Judge.

Mr. WHITESIDE promised to convey to his noble Friends in the other House the opinion expressed by the Attorney General, for which he had the greatest respect, although he could not altogether subscribe to it.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, June 10, 1857.

Minute.] Public Bill.—2° Scientific and Literary Societies.

SALE OF BEER BILL.

SECOND READING MOVED.

Order for Second Reading, read,

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. Wyld

Mr. KER SEYMER, in rising to move that the Bill be read a second time that day six months, expressed the reluctance which he felt in doing so, not because he was not convinced of the propriety of such a course, but because he was unwilling to appear to be an opponent of a measure brought in with the view of putting an end to intemperance. Without being a teetotaller, and still less a supporter of that great absurdity the Maine Liquor Law, he felt at the same time as sincere a desire to do everything to encourage temperance and sobriety as any hon. Gentleman present, and he was satisfied that his hon. Friend, in bringing forward this Motion, had been actuated by a deep conviction of the evils arising from drunkenness. That drunkenness was a vice which did prevail in this country to a considerable extent he could not deny, but he did not believe that it had increased of late years. On the contrary, the tendency of things was directly in the opposite direction; while, for the repression of that which remained, he would look rather to the improvement of the habits of the people than to the aid of increased restrictions. Many causes were in operation to diminish drunkenness in this country. First of all there was the greater influence of good example. Not many years ago the example set by people of position, by country gentlemen, and even in many cases by country clergymen, had by no means tended to discourage that vice; but now the tone of society had entirely changed in that respect. Then, again, there were other causes, such as the increased sense of responsibility among employers of labour, and consequently, an increased attention to the welfare of those whom they employed, improved dwellings for the working classes, sanitary improvements, the establishments of parks for the labouring classes, as well as the improved education of both the labourers and their wives, and other general causes of that description, which tended to discourage drunkenness; so much so, in fact, that he did not consider it Utopian to expect a time would come when a drunkard would be regarded with the same discredit by the labouring classes as he was now by the upper classes. Turning to the measure before the House, he thought the traffic in intoxicating liquors certainly required regulation, but not such as the Bill proposed. When it was first brought forward, he was sorry to observe the name of the hon. Member for South Lancashire (Mr. W. Brown) on the back of the Bill. He (Mr. Seymer) thought this must have arisen from mistake; and he was glad to know that his hon. Friend had found that he was so far mistaken as to the object of the measure that he was now going to second the Motion he (Mr. Seymer) had risen to propose. He thought it possible that his hon. Friend (Mr. W. Brown) might have been inveigled by the licensed victuallers of South Lancashire when the Committee which had been appointed to inquire into the licensing system had made their Report; that body had thought it so important that they were afraid it would not long remain a dead letter; they became alarmed, and issued a circular to Members of Parliament, which stated that licences of houses having now become a matter of settlement, a great disarrangement of property would ensue if the Report were embodied in an Act of the Legislature. Doubtless they might have some reason for apprehension, many of them having made large outlay upon their premises, and entered into entangling alliances with brewers, which afforded a reason for dealing cautiously with this question, but it did not furnish any reason for adhering to a bad system, and one which had been condemned unanimously by the House of Commons. Now, he had on a former occasion been called a young free-trader; that was true, but he was one of those who thinking that a system of protection to native industry was the true policy of the country, had fought the battle against free trade; but now that the cause for which he had contended was lost and the principle of unrestricted competition admitted, he wished to see that principle carried to its fullest extent. Even while the battle was going on, Dorsetshire had never asked for protection against Somersetshire, or Somersetshire against Wiltshire. All that he had contended for was, that they should have protection against those who worked under more advantageous conditions than they did. On the other hand, here were those Lancashire men calling for protection against those who sold beer, subject to precisely the same conditions as themselves. Now in speaking of the licensing system, let it not be said he was not addressing himself to the question. It was proposed by the Bill before them to extend to beer-houses the system of the licensed houses, while the Committee of which he had been a Member had condemned the licensing system altogether; and, indeed, *primâ facie*, the system was indefensible. Why should they allow any body of men, no matter how respectable, to determine what were the wants of a neighbourhood. Such a notion was not to be tolerated for a moment. He did not think the hon. Gentlemen were aware to what extent this public-house trade was a restricted trade. Two Sessions ago he had moved for some returns which threw a light upon that point, as far as the metropolitan districts were concerned. The returns were not complete, but they showed that during five years there had been 2343 applications for spirit licences, and of these only 493 had been successful, of which 73 were from the Tower Hamlets. So that nearly 2,000 applications were unsuccessful. He did not mean to say that 2,000 individuals had been refused a licence, for no doubt the custom was to apply more than once in the same district, but simply that there had been 2,000 applications rejected. He himself saw a man yesterday who had applied seventeen times for a licence without success, although his petition had been most respectably supported. Now, he had a right to assume, and he thought no one would dispute the position, that the great majority of those persons were of good character—certainly of as good character as the existing licensed victuallers, and that, therefore, their applications were not refused upon the ground of character. No; they were refused out of consideration for existing interests, and for no other reason. He himself had seen this case occur;—a respectable man having for some years kept a beer-shop, he applied for a licence to sell spirits, and he was supported by the clergyman of the parish, by the churchwardens, by the overseers, and most of the respectable inhabitants; but he was opposed by an attorney, of course on grounds of public morality. Was it public morality that retained that attorney? Was it public morality that paid him? No; it was private monopoly that retained him, and private monopoly that paid him. So that in England it was highly moral for A, B, C, the existing licensed victuallers, to have the privilege of making Her Majesty's subjects drunk with spirits as well as beer; but it was very much the reverse for D, E, or F to have the same power. It was literally a question of the "ins and the outs." The present system gave rise to great anomalies, and he would mention two cases of peculiar hardship which had occurred. When there was a prospect of the railway being carried as far as Weymouth, one of the oldest inhabitants of the town, thinking that more hotel accommodation was required there, bought one of the principal houses in the town for the purpose of fitting it up as an hotel. He accordingly applied to the magistrates for a spirit licence, but the magistrates refused him. Now, in that case there was no pretence of the applicant being an improper character; the application was simply refused in defence of existing interests. Fortunately, however, he was a rich man, and he was able to appeal to the Quarter Sessions against the decision of the magistrates, when the application was unanimously granted. But had he been a poor man, the effect of the present system would have been fatal to him, and a very useful project would have been defeated. The second case which he would cite was that of the refreshment room at the Southampton station. For some time only beer could be procured at that station, as the magistrates had refused to grant a spirit licence, until the inconvenience was felt to be so great that remonstrances were poured in from some of the first people in the land, and eventually the licence was granted. But the very idea of the thing being questioned amounted in his mind to a condemnation of the whole system. They had the strongest possible evidence of the connection between public-houses and beer-houses. The evidence of Mr. Hawes, of Southwark, a most respectable gentleman, and formerly a brewer, left no doubt upon the point. He stated distinctly that he believed a great number of the public-houses belonged to the brewers, both directly and indirectly, and that it was a very common thing for an understanding to exist between the person applying for the licence and the brewer. In some parts of England that connection existed to a much greater extent than in others. For example, Birmingham was quite free from it, while the eastern counties, Northumberland, and the metropolis, were completely under its influence. The brewers were a wealthy class, and he did not envy them their wealth; but at the same time he would never consent to that wealth being applied to the maintenance of an artificial system. Yes, the brewers were a wealthy body of men. He remembered that there was a story told to the effect that one of their body had been in treaty for the purchase of a house in Belgrave Square, but that he had been remonstrated with by three or four other brewers who were residing there already, and who told him it would never do to add to the number. The consequence had been that the gentleman in question had subsided into the comparatively obscure region of Eaton Place. The story, perhaps, might not be quite true, but he could only say *si non e vero, e ben trovato*. At any rate, he did not want to help these rich brewers to princely palaces in Belgrave Square, by perpetuating their monopoly in the supply of beer to the labouring classes. Still, with respect to the proprietors of the public-houses, it was his opinion that, as a class, they would suffer no injury if a complete change were made in the system by which they were now regulated. Their present position was not, at all events, of a very satisfactory nature, as was clearly demonstrated by the evidence which had been laid before the Committee, testifying to the fact that frequent transfers of those establishments were made from one person to another. Everything that was bad in the system which now prevailed must be traced to the restrictions which it established, and the House might depend upon it that, if that restriction were removed, the result would be, under the auspices of free trade, the sale of better articles in our public-houses, and the provision of better accommodation for the labouring classes, while no greater degree of immorality than at present existed would be found to prevail. Having alluded to the question of immorality, he might mention that Mr. R. Gladstone, who was well acquainted with Liverpool, had stated that, in Dale Street, in that town, a man might get drunk every day in the week, and yet never go into the same house for the purpose twice. He (Mr. Seymer) did not know Dale Street, and he was perfectly ready to admit that the houses referred to might be, for the most part, beer shops; but he thought he could point out streets in the metropolis where a person might get drunk every day in the month upon spirits, without being under the necessity of twice resorting to the same establishment. Indeed, no man could fairly contend that there was the slightest difficulty interposed in the way of a person, with a half-a-crown in his pocket, who was inclined to get drunk upon spirits in any of the large towns throughout the country. There were, he might add, public-houses in the metropolis which were, and always had been, conducted in the most disorderly manner. As he returned home from that House, he constantly saw drunken persons coming out of those places night after night, long after the hour at which beer-shops were obliged by law to be closed. When those establishments became so notorious as to attract the attention of the authorities, their licences were, as a matter of general practice, transferred, and thus the nuisance was perpetuated from year to year. From certain returns which had been laid upon the table of the House, it might be inferred that the great safeguard in such instances consisted in the power to refuse a renewal of the licences. But how, he would ask, did the system really operate? Why, out of the 6,000 public-houses in the metropolis there were but thirty-six which had not, during the last five years, had a renewal of their licences, and out of those thirty-six twelve were situated in Southwark. That statement, however, did not put the matter in its true light, for only fifteen public-houses had been permanently closed in the metropolis during the last five years, and of these twelve were in Southwark, so that in the whole of the remaining portion of the metropolis there were only three in the cases of which a permanent suspension of their licences had taken place. How, under those circumstances, could any one contend that the great safeguard against immorality was to be sought in the existence of a power to refuse to the proprietors of public-houses a renewal of their licences. That was a view of the question which, in his opinion, no man of common sense ought for a moment to endeavour to uphold. The next point to which he wished to advert was the large sums of money which were paid for public-houses, and which Alderman Wire, who was the advocate of the licensed victuallers, had accounted for before the Committee by stating, they were for the most part paid for the goodwill of those establishments. Now, he (Mr. Seymer) did not believe that to be the fact, inasmuch as some of the evidence taken before the Committee had clearly proved that the enhanced value, to which he alluded, was allowed to operate in very many instances before these houses had actually been built; and he, for one, was disposed to regard that enhanced value as the consequence of a restricted trade. It was said that the proprietors of public-houses were a very respectable class of men, but he had not the fear of *Bell's Life* so much before his eyes as to call that portion of them respectable, at all events, who, as prize-fighters, obtained a public-house, because they happened to have a good drinking connection amongst the "fancy." All those discreditable arrangements for prize-fights were made at such establishments. If any hon. Member, for instance, wished to ascertain by what steamboat he must go, in order to witness one of those encounters in the neighbourhood of the Essex Marshes, or by what train he ought to proceed with a similar object, and with a good chance of dodging the police, the best course he could take would be to frequent the public-houses to which he had just alluded, and get "the office," as it was called. He believed, indeed, that upon one occasion a train conveying Her Majesty's Justices of Assize had been shunted off its line, in order to allow a train bent upon one of those disgraceful expeditions to pass upon its way. Beer-shops were not sufficiently respectable to be frequented by members of the prize-fighting fraternity; they, therefore, congregated at the public-houses; and at the present moment two licensed victuallers were under an engagement to fight for £200 a side, and as meetings were held from time to time at various houses for the purpose of making £10 deposits, on the payment of each instalment there would be a grand carouse and a vast consumption of beer. The last thing, however, it would appear, which occurred to the authorities was to take away their licences from such places; and the result was that they were allowed to go on in the manner which he had just described. Now, he apprehended that when those circumstances were taken into account the House would find it extremely difficult to draw any very wide distinction between beer-shops and public-houses upon the score of morality. It was certain that in some low neighbourhoods magistrates had sanctioned, or at least winked at, practices which they would never have permitted in better neighbourhoods. From the evidence which had been laid before the Committee, he was happy to say it appeared that dangerous adulteration of the articles sold in either class of establishment did not in any very considerable degree prevail. The worst species of adulteration which was practised was the putting of salt into the beer, which accounted for the thirst which those who were in the habit of consuming that beverage frequently experienced. The chief mode of adulteration, however, was that of dilution by the use of water; and upon that head

Mr. Caldwell, who, he believed, was a dancing-master rather than the proprietor of a public-house, had let the Committee into some of the secrets of the trade. In reply to a question which had been put to him that gentleman said, "We always dash the beer." "What do you mean by that?" Answer: "Why, we pump the New-river into it." It was but justice to the brewers to say that all their beer was sent out perfectly good; but there was not a single public-house in which, he believed, the beer was not adulterated. Mr. Hawes, who had been himself a brewer, in his evidence said, he had never tasted beer in a public-house that was not adulterated. Although the law strictly forbade adulteration or dilution, that description of offence was constantly practised. He might be told that there were also adulterations practised in the grocery trade, and no one thought of regulating that trade. His answer was, that the law was strong enough to punish such adulterations, when proved. He contended that if the trade were thrown open the public would have the best articles. Now, the House would perceive that, with reference to adulteration, the owner of a public-house stood in a different position from the proprietor of a beer-shop. The former could afford to sell his beer at a small profit, or, in other words, not to adulterate it, inasmuch as the sale of wine and spirits constituted the principal source of his income. The contrary was the case of the man who sold beer alone, because he could not hope to make up by the profits accruing from the sale of wine and spirits for a diminution in the price of that one article. The competition, then, between both stood upon a footing unfavourable to the latter. He wished next to make one or two observations with respect to the bearing of the subject generally upon the character and position of the magistrates. He, for one, must disclaim all intention of casting upon the magistrates the imputation of being influenced in the granting of licences by corrupt motives. It nevertheless very frequently happened that in those towns in which political feeling ran high at the elections a suspicion always attached to the conduct of a magistrate by whom a licence was refused, if the applicant happened to be a member of a different party. One witness who had been examined before the Committee, for instance, having stated that to be the case, had given it as his opinion that the circumstance was not productive of much evil where parties were pretty evenly balanced, but that when the contrary took place the licences were said to be granted all in one direction. The magistrates were also objects of suspicion, if they had even the slightest intimacy with a brewer, to those in whose case a licence happened to be refused. That, however, was to be attributed to the existing law which really suggested suspicion by enacting that no brewer should be upon the bench when licences were granted. Still that was a position, he should maintain, in which the magistrates ought not to be placed. He for his own part, as a magistrate, should wish to be relieved from the performance of a duty which he felt he could not satisfactorily discharge. The next point to which he was anxious to refer was the particular system by which beer-shops were regulated. That system was generally considered to be a failure, but that opinion must be regarded with some reservation. The history of those establishments dated as far back as the year 1830, when the Government of the day had determined to abolish the beer duty, and thus to sacrifice a large amount of revenue. But so strongly had the Government felt that the community at large would not be benefited by the reduction of the duty unless the restrictive system of the old public-houses was obviated, that they had deemed it expedient to legalize the opening of beer-shops. A strong opposition, however, had been offered in Committee by the great brewers to the passing of the Bill embodying that proposal, inasmuch as, although they had been favourable to the reduction of the duty, they had looked with disfavour upon any attempt to throw open the trade in beer to general competition. The Bill, notwithstanding their opposition, had passed into a law, and he might add that Mr. Calvert had stated it to be his opinion, on the second reading of the Bill, that its operation would lead to the absolute ruin of the great body of licensed victuallers, and to the destruction of the property of the manufacturers of the article to which it related. But to what property was it, he would ask, that that statement of Mr. Calvert referred? Was it meant that the operation of the Bill would be to destroy the plants of the great brewers? No, but their property as the owners of public-houses, which position was by no means legitimately connected with their business as manufacturers of beer. The measure, however, had not led to the deplorable consequences which Mr. Calvert had anticipated, because the great brewers, after all, were doing pretty well at the present day. Now, the reduction in the duty on beer having taken place, he was perfectly ready to concur in the proposal that for the two classes of houses which had since been in existence there should be but one licence. There was, indeed, a class of houses in which, as any hon. Member who went much about town must be aware, a glass of ale and a sandwich might be had for the small sum of 4*d*.—an economical species of refreshment of which he had in more than one of his walks in the outskirts of the metropolis availed himself with much pleasure. The proprietors of that class of houses did not, he believed, desire to have any other licence than that which they at present possessed, and he, for one, should not propose to force a spirit licence upon any person who did not require it. The shellfish shops came under the same category. There was, for instance, the very excellent oyster shop of Mr. Challoner, in Bell Yard, with which all those who were in the habit of passing by the short cut from Lincoln's Inn to the Temple through Bell Yard must be acquainted, and which was also a beer-shop. He did not think, however, that the attractions of oysters and gin would afford the young Templars in the neighbourhood any greater inducement to frequent the shop than at present existed, and therefore it might in that case also be considered that a spirit licence was unnecessary. He did not, therefore, wish that it should be forced upon the owners of such establishments; but he was fully prepared to carry out the recommendation of the Committee, and to give every man of good character who desired it, a beer and spirit licence. Mr. Pownall, the Middlesex magistrate, who gave evidence in favour of the licensing system, stated that the beer-shop keepers were not a respectable class, because of the small profits. But was not that the result of the system which narrowed the scope of their profits? With regard to drunkenness, he thought not much dependence could be placed on statistics, as bearing on the question, as that depended on other circumstances than the system of selling liquor. The evils which were complained of in the petitions which had been presented from the West Riding might, he thought, very fairly be attributed to the absence of an efficient system of police, and he might remind the House that the magistrates of the West Riding had offered the most strenuous opposition to the establishment of such a system. He might also observe that the number of instances in which the owners of beer-shops had transgressed the law by keeping them open beyond the legal hours was not a fair criterion of the mode in which they were conducted as compared with the public-houses, because the hours of keeping open were limited in the case of the latter only one night in the week, while in the case of the former there was a limitation every night in the week. As a Member of the Committee, he asked Mr. Wire, the able advocate of the licensed victuallers, whether he thought that a butcher who was compelled by law to sell only veal could compete with others who were allowed to trade in every kind of meat? Mr. Wire answered by saying he did not consider that a fair question. Now, he (Mr. Seymer) thought it a very fair question, inasmuch as it completely illustrated the position of the beer-shop keepers in relation to the publicans. Sir R. Mayne and other authorities had certified that the beer-shops in the metropolis were conducted quite as well as the houses of the licensed victuallers, and, taking them as a whole, he (Mr. Seymer) should maintain that no such difference prevailed between the two classes of establishments as would justify the House in supporting a system which was opposed to the general commercial policy of the country. The Committee had come to the resolution that the sale of intoxicating drinks should be subjected to one uniform licence, and that such licence should be issued by the magistrates. Now, as the magistrates were the best judges of the characters of the applicants they might very well be intrusted with a discretionary power in the matter; but he altogether objected to its being left to the magistrates to determine what were the wants of a particular neighbourhood. To that portion of the Bill before the House which related to coffee-shops he was disposed to assent, although he regretted that the question of their regulation had not been raised in a separate form. The Bill also proposed to extend the operation of the Tippling Act, but, he must say that, although he did not object to the proposal, he had no great confidence in its efficacy to put an end to the evil which it was intended to remove. The Bill, however, was open to objection upon the score of its omitting to deal with more than one subject of importance. Among them, for instance, was the question of the position occupied by the free vintners. That constituted a very anomalous class of persons who were nobody knew what, and whose licences were obtained nobody knew where. A notorious house, known as the Piccadilly Saloon, was, he believed, kept open for many years, under a free vintner's licence. There was also the question of the restriction upon the sale of spirits in any less quantity than two gallons, which he could not help regarding as a great absurdity. These were subjects with which he should wish that the Bill proposed to deal, but as he had occupied the time of the House at considerable length, he should not enter further into the discussion of those subjects on that occasion. He had only to say in conclusion, that he hoped the strong Government which it was said the country now possessed would exhibit its strength by dealing with the question under its notice, if not in the present, at all events in the next Session of Parliament. All Administrations were, he believed, somewhat afraid to encounter the licensed victuallers, who constituted a powerful body, thoroughly organized, possessing considerable influence at elections, and represented by an organ of large circulation in the public press, second, indeed, he believed, to *The Times* alone. They were therefore not to be despised; but still he would say to the Government, be just, and fear not; recollect there was a body still more powerful—the British public—who he felt assured, when they thoroughly understood the question, would be ready to support the views which the Committee entertained, and which he had feebly attempted to advocate. The hon. Member concluded by moving to leave out the word "now," and at the end of the question to add the words, "upon this day six months."

MR. W. BROWN (who was imperfectly heard) said, that he had been induced to put his name on the Bill which had been introduced by the hon. and learned Gentleman opposite (Mr. Hardy) under the impression that it was meant to be a move in the right direction; but the moment he had read it he had seen the mistake which he had committed, and had informed the hon. and learned Member that he should offer to the progress of the measure his most strenuous opposition. As a proof, however, that he was anxious to correct the abuses connected with public-houses and to impose a due check and regulation on places of resort of a similar character, he might state that he had moved for the Committee to inquire into the subject, and he might add that the magistracy of Liverpool had memorialized the Government, begging of them to take the matter into their serious consideration. He said that the Committee which sat on this subject in 1853-4 was a most able one. Mr. Lowe, Sir George Grey, and Mr. Villiers, were among its Members. After sitting two Sessions and asking 15,000 questions they agreed unanimously to a series of resolutions drawn up by the Chairman. The Committee were appointed—

> "To examine into the system under which public-houses, hotels, beer-shops, dancing saloons, coffee-houses, theatres, temperance hotels, and places of public entertainment, by whatever name they may be called, are sanctioned and are now regulated, with a view of reporting to this House whether any alteration or amendment of the law can be made for the better preservation of public morals, the protection of the revenue, and for the proper accommodation of the public."

With these powers they proceeded to examine witnesses, and they afterwards made a Report, a most valuable document and one which was amply borne out by the evidence taken before them. In the year 1817 a Committee of the House of Commons was appointed to inquire into the system of licensing public-houses in the metropolis. They thus described the practice which then prevailed:—

> "It is in evidence before your Committee, and they understand it to be a common practice in the metropolis, for the beadle of the different parishes, for a small gratuity, to obtain the signatures of the number of inhabitants required by law, the clergymen and parish officers seldom offering their signature, or, if they do, they sign on the faith of the beadle's representation; the certificate so signed is then either delivered to the high constable, and by him to the clerk to the Justices (who, in the Tower division, is an agent to a great established brewery), and by him laid before the magistrates for their approbation. In one case that has been stated to your Committee the witness, who is a publican, did not attend the licensing magistrates at all; but the beadle of the parish obtained a licence, paying 5*s.* at the office to the justices' clerk, and receiving 5*s.* 6*d.* himself for his trouble."

The Committee reported that the monopoly of public-houses in the hands of the brewers, distillers, &c., which existed in different parts of the country was very prejudicial to the interests of the community at large. They—

> "Strongly implored the different magistrates in the country to lend their aid to break down a confederacy which is so injurious to the interests of the poor and middling classes of the community. Your Committee feel that it is not neces-

> sary to examine with minute detail the evidence that has been given to them of the influence which brewers have with the magistracy. A certain and clear *primâ facie* case is made out, and strong presumptive proof offered which has satisfied them that in different licensing divisions in the metropolis, a bias, to say the least of it, is felt in favour of particular interests. Mr. Hanbury has stated that his house employs Mr. Thomson, one of the clerks of the licensing justices, as agent, for the purpose of forwarding their views with regard to licences. The same firm also retained in the same manner Mr. Lush, a clerk in the police office, Worship-street. Your Committee cannot avoid remarking, that the principle of these retentions is obvious. Mr. Thomson is to stand their friend when a new licence is to be granted. Mr. Lush was to lend them his aid when informations were laid against those already licensed."

It was clear from this Report of the Committee of 1817 that the licensing system was devised to protect the morals of the public, and that in this respect it utterly failed, worse still, that it demoralized all the persons connected with it. Magistrates, magistrates' clerks, high constables, beadles, brewers, distillers, wine merchants, and publicans, were all described in the Report as corrupted and demoralized by the licensing system, while at the same time the public were supplied with an adulterated article, at a much higher price than a genuine article could have been sold for upon free trade principle. The Committee of 1854, speaking of the evidence taken before them condemnatory of the exerceise of the magisterial power in granting licences, said:—

> "The existence of a suspicion that licences are withheld and granted capriciously, and that the influence of builders and brewers is more potent than either the character of the applicant or the requirements of the public in procuring a licence, whether well founded or not, might afford sufficient ground for relieving the magistracy from duties which, however great their desire to do so, it has been impossible for them satisfactorily to discharge."

It was impossible for magistrates to know the character of the applicants for licences, and there was grave reason to suppose that the power of granting licences was frequently used for political purposes. It was clear that the system did not protect the morals of the community, that it demoralized all connected with it, and that it was exceedingly injurious to the public. Mr. D. W. Harvey, the chief commissioner of the city police, said—

> "A person intrusted with the power of granting licences should be independent of local interests, and responsible to a higher authority, the same as our police magistrates. I consider the applicant for a licence ought to produce bond as a guarantee for good conduct. It is no slight test of character if a man who proposes to have a house licensed can find two persons who will be his sureties. After a man has incurred two or three penalties there ought to be a summary mode by which he can be divested of his licence. I apprehend the licensed houses and licensed beer-houses in the city are abundantly sufficient to intoxicate the entire population. I am not aware there is anything in the price of the liquor or the access that the public have to it that creates any obstacle to drunkenness. If the people are so disposed they can have it under the present system. I do not consider a well-conducted house a nuisance. I do not consider the house next door to me a nuisance. I do not consider if the licences were doubled in the city it would require an addition of a constable. If the trade was thrown open the number of houses at first might increase, but I am of an opinion that experience would diminish the number afterwards."

He hoped that hon. Members, before voting for this Bill would wait and see what the Government intended to do, and he must express a strong hope that the Government would themselves bring in a measure, and not leave independent Members to deal with this subject.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. NEWDEGATE expressed his thanks to the hon. Member for Leominster (Mr. Hardy) for attempting to grapple with a great and acknowledged grievance. He could never subscribe to the doctrine that when Ministers had failed to remedy an acknowledged grievance, that any independent Member who endeavoured to abolish it should be deemed to be improperly interfering with the business of the Government. He regretted to hear one observation from the hon. Member for Dorsetshire who moved the Amendment. He alluded to that in which he warned the magistrates to avoid the discharge of those duties which the present Bill would impose upon them. There was a hackneyed phrase that "property had its duties as well as its rights." It was his belief that the security of the rights of property depended upon the performance of its duties; and, as a magistrate, he should be sorry to see the country gentlemen or the magistrates for boroughs and cities shrink from the performance of those duties they were best qualified to discharge, merely from a desire of avoiding invidious remarks that might be made upon their conduct. Such a disposition as that was well calculated to destroy the principle of local self-government. If those who were in independent circumstances, and who were the possessors of property in either town or country, should shrink from the performance of the duties inherent to their position, they would be throwing upon the Government an amount of responsibility and of power which would be totally inconsistent with the independence and the freedom of this country. Hon. Members appeared to think that the principle of casting as much responsibility as possible upon the shoulders of the Government was the perfection of legislation, and that the adoption of such a principle in the present case would be to free the system of licensing from the slightest stain of political bias. That expectation, if sincere, was contrary to all experience, and unreasonable. He could not entertain it. Let them but look at what happened in the United States. The hon. Gentleman opposite (Mr. W. Brown), who lauded the internal system of Government, but rejected the example of the commercial and external policy of the United States, in his admiration of American institutions, would devolve upon the Government of this country all the functions appertaining to internal administration. The present was an instance in which the hon. Gentleman was endeavouring to relieve magistrates from the responsibility attached to the licensing system. He appealed to the hon. Member whether it was not the great misfortune of the United States that the people had permitted the central Government there to gradually monopolize all the responsible posts in the country, until they had become mere political temporary appointments, shifting with the changes of the administration? And was not this the evil of which the United States complained — namely, that men of high character and respectability refused to undertake those duties which their position in society and their ability best fitted them to discharge. This was a growing evil in America. It was the direct consequence of the centralization of the responsibility for all functions involving patronage, power, or discretion, and the subordination of all officials to political objects alien to their proper functions. He trusted that neither the borough councils nor the borough magistrates would shrink from the responsibility which properly belonged to them. The hon. Member for Dorsetshire, in a humorous speech, would have them to believe that no respectable persons would be connected with public-houses under the existing system. He would have it that persons connected with the prize-ring were without exception the type of all that is degraded, and yet that they were so particular that they frequented public-houses only. He (Mr. Newdegate) must, however, beg to except to this sweeping condemnation of all connected with the prize-ring, and, moreover, thought that prize-fighters frequented beer-shops as well as public-houses. The hon. Member for Leominster was endeavouring to obtain the same regulation for beer-houses as for public-houses, while the hon. Member for Dorset was endeavouring to revive the old struggle between beer-shops and the licensed victuallers; but the real question was whether some mode of regulating the evils of the beer-house system should not be adopted. He did not bind himself to all the provisions of the Bill before them, but he was determined to vote for its principle, because he thought it was one calculated to remove a great evil; and he would ever stand by an independent Member of that House who applied his ability—his great ability, as in the case of his hon. Friend —to meet an acknowledged evil which had been long neglected by the Government.

MR. DARBY GRIFFITH said, that the question of protection and free trade would be found at the bottom of this measure. Now, he was favourable to the principle of free trade, and should support it on all occasions. On free trade principles, then, he should appreciate the opposition to the present Bill; but the moral element in the question should of course modify the principle in this particular instance. He was not enamoured of the particular machinery by which the public-houses were regulated under magisterial jurisdiction, and he went with the principle of free trade, so as to be willing to relieve the trade as far as possible from all interference on the part of the magistrates, so far as that could be done consistently with a proper regard to the necessary police restrictions on the score of morality and good order. If those who opposed the second reading of this Bill had been prepared with a measure of their own, in which the principle of free trade was recognised in a manner compatible with the necessary restrictions for the security and maintenance of good order, it would then be a fair question for their consideration which of the two measures it would be most desirable to adopt. But the House was left no such alternative in the present instance. The present system of licensing was extremely anomalous and irregular. There were two systems of licensing, two classes of public-houses, one under magisterial control, the other under very little control at all. There were also two systems of inspection and police regulation. That state of things required alteration. He should therefore support the second reading of the Bill, though he was bound to say that he did so principally because there was no alternative measure before the House. If the Government would bring in a measure which gave greater commercial freedom while it provided the necessary police regulations which the protection of the public required, he should feel as much at liberty to support such a measure as he now felt to give his vote in favour of the second reading of the present Bill.

SIR GEORGE GREY: As an appeal has been made to Her Majesty's Government by the hon. Member for Dorsetshire, who has moved an Amendment against the second reading of this Bill, I feel it due to the hon. Gentleman and to the House to take an early opportunity of stating the intention of the Government with regard to this subject, and more especially in regard to the Bill which the House is now asked to allow to be read a second time. I certainly cannot concur in the opinion that any hon. Gentleman who has spoken on this subject has found fault with the hon. Member for Leominster (Mr. Hardy) for having brought it under the notice of the House. On the contrary, I think that hon. Member has done good service by taking up this question, and that this discussion cannot fail to do good and to create a better understanding of all the bearings of this question. Nor can I agree with the hon. Member for North Warwickshire (Mr. Newdegate) that the only question before the House is, whether we shall or shall not exercise a greater control over beer-houses. That is not, as I understand it, the question raised by this discussion, which involves the particular mode of exercising that control proposed by the hon. Member for Leominster. I ought, perhaps, rather to say that the hon. Gentleman considering prevention better than cure, proposes to put an end to the system under which Parliament opened the beer trade in 1830, and to revert to the system which existed before 1830, by which a monopoly of the sale of beer existed under licences granted by the arbitrary decision of magistrates acting for different parts of the country. This was a settled principle, different from that which now prevails, and the hon. Gentleman the Member for Leominster proposes to revert to this principle, and to lay down a uniform regulation by which the magistrates are to be guided—namely, that there shall be an inquiry into the circumstances of the population within which the licences are granted, with a view of ascertaining the wants of the population and how much beer they ought to drink. That I take to be the principle of the hon. Gentleman's Bill, and regarding this as an attempt to repeal the Act of 1830, by which the beer trade was thrown open, and to revert to the system which existed before the Act of 1830, restricting the permission to sell beer to persons licensed by the mere will of the magistrates, who are to be guided in the exercise of that will by the supposed wants of the population, I must say, that to such a Bill I entertain the strongest objection. I must remind the House that the Act of 1830 was not passed without due consideration. In the first place, a Select Committee was appointed to inquire into the subject, and upon their Report a Bill was brought in by the Chairman of the Committee, which was afterwards taken up by the Government. The Bill was adopted by Mr. Goulburn on the part of the Government, and it was also supported by Mr. Huskisson, who spoke in strong terms of the evils of the licensing system. The report and evidence taken by the Committee were fully considered during the debate, and, after repeated divisions, the Bill passed the House of Commons by large majorities. The Bill was afterwards advocated by the Duke of Wellington on the part of the Government in the House of Lords, and became the law of the land. The operation of the Act of 1830 has since been inquired into by Committees of both Houses, and I will ask the hon. and learned Member for Leominster whether he can produce in the Reports of either of these Committees any one recommendation upon which he has grounded the Bill now before the House. The Committee of the House of Lords, appointed in 1850, expressed, it is true, a strong feeling of disappointment that the Act of 1830 had not been attended with the beneficial results which were expected from it; but they were not prepared, looking at the advantages which the public had derived from the operation of the Act, to recommend its repeal. Adverting to the fact that many of the beer-houses were conducted by highly respectable persons, they were not only not prepared to repeal the Act of 1830 and to recommend that no licences should be granted except by magistrates acting arbitrarily; but they would not even go the length of recommending that the licences granted should be confined to the sale of beer not consumed on the premises, because they held that such a change would deprive the public of a great advantage, and they only suggested certain regulations by which they thought that the evils of the system might be remedied, such as increasing the rating of the houses at which beer should be sold, together with other minor changes. Therefore, in 1850, the Committee of the House of Lords, after a full inquiry, although they saw many evils in the existing law, and although they thought the system far from perfect, yet hesitated to recommend what would have been a less infraction of the principle of the Act of 1830 and less objectionable than the measure now before the House. A Committee of this House was appointed in 1853, which sat during that Session and a great part of 1854; of that Committee I was a Member in 1853, and although I was obliged on taking office in 1854 to cease to sit upon the Committee, and was not present during the latter part of the inquiry or a party to the Report, yet the evidence I heard produced a very great impression on my mind, and I thought the Report fully borne out by the evidence. That Committee took a great deal of evidence as to the effects of the licensing system upon public-houses as well as beer-shops, and this portion of the evidence the House will do well to consider carefully before they agree to the second reading of this Bill. That Committee, after examining many persons deeply anxious to promote the morality of the country, and after taking evidence from all parties and classes, arrived unanimously at the Report which has been referred to. I need not read it again, but it is diametrically opposed to the principle of this Bill. The House will do well, therefore, to be cautious in acceding to the second reading of a Bill which subverts the principle of the Bill of 1830, adopted after due inquiry by this House, and which reverts to a principle condemned by Committees of both Houses, and expressly condemned by the Committee of 1854, and diametrically opposed to its recommendations. But under what circumstances does the hon. and learned Gentleman ask the House to consent to the second reading of this Bill? The hon. and learned Gentleman said, most truly, that many evils arose from the extensive consumption of intoxicating liquors, that the beer-houses were in many places badly conducted, and were divested of proper checks and control; and, therefore, he proposed, that no licence should be given except by magistrates. But what are the facts with regard to the morality of the country? Evidence was given before the Committee with regard to many of the large towns in the kingdom—evidence, not only from those who wished to uphold the present system, but also from gentlemen anxious to see the views of the hon. and learned Gentleman carried out; and they agreed in stating that, notwithstanding the increase of beer-houses, drunkenness was greatly on the decrease. In certain places it was stated that drunkenness, from local causes, was on the increase; but the general opinion of the witnesses was, that drunkenness had much decreased throughout the country. Evidence was given on this subject from many of the large towns. Mr. Smith stated, with regard to Birmingham, that although there had been a great increase of the population, yet that he considered drunkenness had decreased, and that what drunkenness did exist was not caused by the sale of beer in beer-houses, but by the consumption of ardent spirits, sold by those publicans who had licences from the magistrates. If any hon. Gentleman will look to the evidence of Mr. Smith of Birmingham, he will find that that witness states in very strong terms his opinion, that the evil arising to the working classes from the drinking of spirits, is far greater than from the drinking of beer. He adds, that saloons, in which the enticements of music and dancing are held out, are licensed by the magistrates for the sale of spirits, and produce a great deal of immorality. The hon. Member for Warwickshire (Mr. Spooner) also gave valuable evidence to that Committee, corroborating the evidence of Mr. Smith, and repeatedly declaring that drunkenness had decreased in Birmingham to a very great extent. Mr. Palmer gave remarkable evidence to the same effect in regard to Norwich; while in respect to Manchester, Dr. Hudson and Sir Elkanah Armitage stated, that there had also been less drunkenness during the last few years. When, therefore, hon. Gentlemen ran away with the notion that the beer-houses have led to a great increase of intemperance, their opinions must be based on some limited local experience of their own; for certainly the evidence collected by the Committee was of a very gratifying nature as to the improved habits of the people, exhibited more particularly in the diminution of drunkenness, which unfortunately is the source of so much crime. It was also proved, that a great proportion of the evil connected with public-houses and beer-shops sprang not so much from defects in the law itself, as from its imperfect administration, in fact, from its not being put in force. The hon. Member for Dorsetshire has referred to the absence of a county police in the West Riding of Yorkshire; but the Committee found that much of the mischief under their consideration, arose not merely from there being no police to visit the beer-houses, but from the want of vigilance on the part of the magistrates in enforcing the law. The justices are at present empowered not only to impose the penalty attaching to any breach of the licensing regulations, but on a third conviction they can, if they please, absolutely disqualify the House in which the offence was committed from receiving a new licence for the space of two years, on certifying their decision to the Excise authorities. Yet, Mr. John Wood, late chairman of the Board of Inland Revenue, deposed that he was not aware of a single instance in which such an adjudication had been forwarded to his department; and, consequently, that when licences were asked for there was no evidence to justify the Excise in withholding them. I will not waste the time of the House by going at length over the ground occupied by the hon. Member for Dorsetshire in his convincing arguments against the second reading of this Bill. As to the licensing system, I need only say, the evidence taken before the Committee proves that it has utterly failed to secure the morality of the country. It assumes that magistrates are competent to determine how much beer or spirits ought to be consumed in a given district, and can then limit the quantity to be drunk by prescribing the number of houses from which the supply is to be obtained. But, even granting that they can form a correct estimate—which I deny—of how much beer can be legitimately required for a particular neighbourhood, it is obvious that limiting the number of public-houses will not secure the end in view, because they cannot limit the quantity to be sold in each house. There are also other motives which influence the magistrates in their decisions. The evidence of Mr. Pownall, chairman of the Middlesex magistrates, who was anxious to see the mode of licensing beer-houses put on the same footing as public-houses, is deserving of attention on this point. After stating that the crowding of a large number of public-houses into any one district engenders immorality, Mr. Pownall gave the following answers:—

> "Do you think that has been the case with respect to the particular districts you have mentioned in which there are more public-houses than are required, owing to the change of circumstances?—Decidedly.
>
> "But, notwithstanding that is your opinion, do the magistrates on licensing day continue all those licences out of regard to vested interests, and being comparatively regardless of public morality?—The magistrates continue those licences partly, I believe, from their fear of vested interests, and partly not knowing whose licence they should take away when there is no complaint against any of them.
>
> "Is it not the result, then, that the present system does not sufficiently protect public morality?—I do not think the present system does sufficiently protect public morality, as far as the old licences are concerned; there is too much weight given, in my opinion, to what are termed vested interests. In continuing old licences, I think it is done in deference to the opinions of the bench that has gone before them, and also in deference to the rights of property that are vested in public-houses."

It was also shown that when applications are made for licences to magistrates they are regularly opposed, not, indeed, by standing counsel on the part of the Licensed Victuallers' Association, as has been alleged, but by solicitors retained by the existing publicans in the neighbourhood, not for the sake of public morality, but with a view to keep the trade entirely in their own hands. It is impossible to tell how many of these applications are refused from an exclusive regard to vested interests. When asked whether many licences were withheld on the score of character, Mr. Pownall replied, "I do not think there are many; occasionally there are some." In answer to the further question, "Is it the case that public-houses are very seldom closed owing to the misconduct of the occupier?" the witness said, "Very seldom indeed; the licence is very rarely taken away." Moreover, when licences are withdrawn from a badly-conducted house, it is practically found that the temporary occupant is the only sufferer, and not the person really interested as the proprietor. If complaints were made, a transfer of the licence to another person was effected, and the same practices went on without the owner of the house being affected. Even before the Act of 1830 was passed, great complaints were made in regard to public-houses, and the same complaints still exist in very many places. Every man of experience knows that there are well-conducted and ill-conducted public-houses, just as there are well-conducted and ill-conducted beer-houses: but the true remedy for the evil is not to be found in a measure like this of the hon. and learned Gentleman. The evidence of Sir R. Mayne, Chief Commissioner of Metropolitan Police, shows that, having regard to the respective classes by which they are frequented, the beer-houses of London are not worse conducted than the public-houses. The number of public-houses licensed within the City of London is 625, of which, according to the evidence of the Chief Commissioner of the City Police, 575 are reported as well-conducted, and 51 ill-conducted, while the number of beer-houses is 138, of which 131 are well-conducted, and only seven ill-conducted. It would be a total mistake to suppose, on the one hand, either that the keepers of public-houses are kept from misconduct by a dread of the magistrates revoking their licences, or, on the other, that the beer-houses are the chief sources of immorality and crime. The hon. Member for Dorsetshire touched upon the influence of political motives in the granting of licences; and, without bringing any general charge against magistrates, it certainly appears that in some cases such considerations are allowed to operate; and it is a significant fact that application for licences are more numerous after a general election than at any other time. As the hon. Gentleman (Mr. Seymer) observed, the system may work very well where political parties are pretty equally balanced; but one may easily judge what will happen when the case is otherwise. Upon all these grounds I think the adoption of this measure, extending as it would the system of licensing by magistrates to all houses for the sale of beer, would be an injudicious step. Other means of correction must be found for the evils arising from the misconduct of the occupiers, whether of public-houses or of beer-shops. I can only say that the perusal of the evidence adduced before the Committee has strongly impressed me with the necessity of a more efficient control over both these classes of houses. I believe that Committee has in its Report laid down the true principle of legislation on this question; and, without pledging the Government as to the course they may adopt in reference to the general system of licensing, I think one object ought to be held steadily in view—namely, to make it the interest of the proprietors of these houses that they should be well conducted. I saw a deputation the other day from a body of brewers largely interested in the sale of beer, who greatly deprecated the Bill of the hon. Member, and stated that it would involve a heavy sacrifice of their property. I must say I found those gentlemen very reasonable. They were quite willing to subject beer-houses to very stringent regulations, and did not object to magistrates being armed with larger powers for closing houses, the occupiers of which violate the conditions of the licence. My best attention shall be directed to this question during the recess, with a view to the preparation of a measure calculated to improve the existing system, and to check the evils connected with all houses in which intoxicating liquors are sold. More immorality is produced in places where spirits are illegally sold than in those that are regularly licensed, and both classes of houses equally require to be dealt with. I do not pledge myself, however, to the details of the Bill which the Government may introduce. I have merely felt it my duty to indicate the very strong objections we entertain to the measure before the House.

MR. KENDALL did not think the Bill had been touched by argument on one essential point. From personal experience as a magistrate in a populous district, he was convinced that something was necessary to be done on the subject, as he could trace almost all the crime in his neighbourhood to beer-houses. He wished to call the attention of the Government to an impression which prevailed in some parts of the country that anybody who hung out a board over their door had a right to sell beer. These persons often set the excise officer and the police officer at defiance, and created great difficulty. He hoped that in any Bill introduced by

Government a clause would be inserted which should have the effect of doing away with this mischievous impression.

MR. PACKE said, that although he had served on the Committee to which the right hon. Gentleman had referred, he had been in no way a party to their Report. He believed, indeed, that that Committee had received evidence in relation principally to the metropolis, while the hon. Member for Leominster had made his observations in the rural district. The condition of things in relation to the beer-shop question, in the metropolis and in the rural districts, was entirely different; and he trusted that if the present measure were not accepted by the House, and the Government brought in a Bill on the subject, that difference would be provided by two distinct measures being provided—one for the metropolis, and the other for the rural districts.

MR. HARDY said, he rose under very great disadvantage after the eloquent and ingenious speech of the hon. Member for Dorsetshire, whose ability he could not hope to imitate; but he rested his claim to the attention of the House solely on the facts and arguments he was about to lay before it. The address of the right hon. Baronet (Sir G. Grey), whatever satisfaction it might have given to other hon. Gentlemen, had certainly given him none, nor had it led him to expect that any legislation would be founded on the Report of the Committee, to which such frequent reference had been made, by which this question would be very speedily dealt with in a mode that would reach the root of the evil. If this Committee had so strong a conviction of the mischiefs attendant on the sytsem of licensing public-houses, why had they remained silent for three years after they made their Report, or only made themselves heard in the proposal of restrictions which the public threw off in disgust; or in the offer of Sunday recreations, which were rejected with scorn? Not until a private Member came forward to grapple with the subject did they hold out this vague prospect of some future attempt to amend the law. He had not taken up this question at the instance of the licensed victuallers; and the hon. Member for South Lancashire (Mr. Brown) had no right to say that those who promoted this Bill were actuated by interested motives. [Mr. W. BROWN had not meant to say anything of the kind.] The hon. Member stated that the petitions in favour of this movement were got up by an organization of licensed victuallers. That assertion was not founded on fact, because those petitions bore the signatures of men whom the licensed victuallers could not influence—namely, clergymen, dissenting ministers, guardians of the poor, and persons of every shade of religious or political feeling, who all concurred in the opinion that the evil—the drunkenness and immorality arising from the present system—had attained a height that demanded the interposition of Parliament. He regretted that the matter had fallen into the hands of so humble an individual as himself, instead of being taken up by the Government; but it certainly was his intention on that occasion to go to a division; but before doing so, he would offer a few observations in reply to the objections which had been urged against the measure. In the debate which had taken place the House had not had put fairly before it what the Report itself contained in regard to the existing system; while, as to the magnitude of the mischief which that system engendered, the mass of facts which had crowded in upon him was so great that his only embarrassment arose from the abundance of his materials. The right hon. Baronet accused him of the folly of wishing to make the magistrates of any locality determine how much beer or spirits should be consumed within its limits. He attempted nothing of the kind. As far as Parliamentary restrictions went, he sought to prescribe no bounds to the quantity of liquor which any man chose to swallow, and the right hon. Baronet knew as well as he did that a large quantity could be obtained from a few houses as easily as from many. But it was admitted in the Report that the beer-house system was a failure, that it had been established in the hope that it would improve the quality of beer, an expectation which had been entirely disappointed. The Committee also said that the consumption of ardent spirits had not diminished, and that the main cause of crime in this country was drunkenness. The effect of the Report was that unrestricted competition lay at the root of the disorders which we now suffered. The hon. Member for Dorsetshire (Mr. K. Seymer) was for free trade, and the hon. Member for South Lancashire for restriction. [Mr. BROWN dissented.] At least the hon. Member was for such high sureties that nobody would be able to obtain them; while, on the other hand, magistrates would not inflict, nor would the people endure, heavy vicarious punishments. The hon. Gentleman (Mr. Seymer) talked of free trade, but he (Mr. Hardy) denied that the principles of free trade were applicable here, for free trade was expansive in its nature, and those who supported it desired to extend the consumption of the commodities dealt in. If the object of the hon. Gentleman and those who acted with him on the Committee was to promote the spread of drinking, they were taking a course fraught with disaster to the country. On the other hand, the attempt to restrict this traffic by the methods which they proposed, would be wholly ineffectual. There were two classes of beer-houses—one in which the article was sold on the premises, the other off the premises. The second class acted as a check on the first, and he wished they were more numerous. A return made by the Board of Inland Revenue showed that the operation of the existing law, instead of increasing the number of houses for the sale of beer off the premises, was gradually diminishing them. In the year 1846 there were 34,067 houses for the drinking of beer on the premises, and 3,625 for drinking it off the premises. In 1855 the number of houses of the former class rose to 40,179, and the latter fell to 2,837. Many Gentlemen had been anxious that a wholesome beverage should be sold across the counter, like any article of grocery, to the poor man for consumption at his own home with his wife and family, in order to lead him away from the scenes of immorality incident to houses in which beer was both sold and drunk. That hope had, however, been sadly disappointed. In the beginning of the reign of Henry the Seventh ale was as freely sold in this country as any other article of consumption. The first Act which was passed gave the justices a negative power —a power "to reject the common selling of ale." In the reign of Edward the Sixth the system of licensing first began. In the reign of James the First more stringent measures were resorted to and continued. In the reign of George the Second the licensing was placed in the hands of the justices resident in the neighbourhood, and supposed to be conversant with its character and requirements. The licensing system continued in force until 1830, when the Beer Act was passed, and the "common selling" of ale again made legal. The same evils resulted. He wished to see the power of the justices of the vicinity restored as a means, not of prescribing the amount of beer or spirits to be consumed in a given district, but of checking demoralization and discouraging the degrading enticements practised under a system of competition. When the Act of 1830 passed, the number of public-houses in England and Wales was 51,482, being one for every 269 persons. The beer-shops, which at first numbered 24,342, went on increasing, until the number rose to 45,000. The number was somewhat checked, in consequence of an Act passed by the right hon. Baronet the Member for Droitwich, which increased the respectability of the houses. They had since increased, however, and at the last return, in 1855, there were 62,570 public-houses, 43,648 beer-shops, and 521 cider-shops. There was one house to every 164 persons, including women and children, and the members of temperance societies. There was one beer-shop for every thirty-eight males over twenty years of age, one for every eighty males and females over twenty-one years of age, and one for every eighty-seven males of all ages. The public-houses had declined with regard to the population, but the beer-shops had brought up the numbers as he had stated them. The most unrestricted competition, of which some hon. Gentlemen were such warm advocates, could not bring us to a better state of things if the spread of drunkenness was to be regarded as an advantage. In some towns the number of public-houses was much greater relatively to the population. Thus in Norwich it was one to 126 of the population, and in Manchester one to 149 persons, or one to every twenty houses. If such was the effect of free trade as applied to beer, what was its effect in relation to spirits? In the reign of George II. spirits became exceedingly cheap, and the people rushed upon them with the greediness of savages. They were freely sold in the streets of London, and personal licences were given to men to go and open dramshops wherever they liked. Spirits were also sold in wheelbarrows, and placards were to be seen in many places with the words "Drunk for a penny, dead drunk for twopence, and clean straw for nothing." The strongest language was used in regard to such a state of things in the debates of the House of Lords of that day, and Lord Chesterfield and other speakers enunciated sentiments as to the necessity of restrictive legislation, which almost went the length of the Maine Liquor Law. In an Act which was then passed the selling of spirits in wheelbarrows was specifically prohibited. What had been the result of the unrestricted sale of spirits in other countries? In Sweden, according to the authority of *Allison's History of Europe*, a very small licence fee was charged, and the consequence was that there were no fewer than 150,000 distilleries in the peasant's houses, which annually produced 30,000,000 gallons for the consumption of 3,000,000 people. What followed? There was more drunkenness, vice, and crime, and a great number of illegitimate children in proportion to the population, in the rural districts of that country than in the larger towns of this country, or even—with respect to the number of illegitimate births—than in Paris. The proportion which the illegitimate births bore to the legitimate was as one to thirteen; while in Stockholm, the capital, it reached the astonishing number of 1 to 2 and 3-10ths. Mr. Laing called the Swedes the most drunken of all people. In Norwich they had an instance of the evil results of unrestricted granting of spirit licences. In Liverpool, with which of course the hon. Member for South Lancashire (Mr. W. Brown) was most conversant, there had been an attempt by the magistrates to carry out almost a free trade in spirits. And what was the consequence? Forty-seven per cent of the apprehensions in Liverpool were for drunkenness and disorderly conduct. He would not enter into the statistics of other places where there had been an unlimited sale of spirits added to the beer-shops; but he would simply observe that in these places there had been an immense increase in the number of drunken and disorderly persons compared with other districts in which a different system prevailed. He foresaw at once that it might be objected that as the magistrates had permitted that state of things under the existing law, they were as likely to misuse the powers which would be given to them by this Bill; and it was for that reason that he wished to introduce into this Bill some general directions, as it was impossible to lay down any stringent rules as to the number of houses that ought to be permitted in any district. Every man had a right to drink as much beer, wine, and spirits as he pleased; but the public had a right to demand that when permission was given to multiply the places at which those beverages could be procured care should be taken against the possibility of their becoming the pests of the neighbourhood in which they were situate. The hon. and learned Member for Sheffield, who had had great experience in the criminal courts of this country, must have been constantly struck in trials for robbery by violence with the manner in which the unhappy victim was brought within the power of those who had robbed him. His drunkenness was never completed at one public-house. The victim, after having sold his cow in a market town, went to take a glass of beer. He was followed to the place where he got his refreshment by men who had watched the sale of his cow; they entered into conversation with him, and after some time he turned into the Green Dragon for some more drink, and so they kept turning into the Blue Boar, the Rose and Crown, and one dramshop after another, until twelve o'clock at night, when the houses were closed. Then it was that he was pounced upon and robbed of the little all that he had acquired. That was one of the strongest proofs that the multiplication of beer-houses was an evil in itself. He (Mr. Hardy) could not learn from the observations of the hon. Member who had defended the Report of the Committee, nor from those of the hon. Member for Lancashire, in what the duty of the magistrates should consist with respect to the granting of licences. Was the magistrate to have a discretion or not? Was he to give a licence to every man who had not been convicted of crime?—for every such man was, according to one of the witnesses (Mr. Robertson Gladstone), a person of good character, and ought, therefore, to be entitled to a licence. A person, however, who had been convicted of crime might open a grocery or a bakery, and, as the hon. Member for Lancashire was anxious to have free trade in licences, why ought not even such a man to have a licence to sell beer, wine, and spirits? It was said that free trade would give us pure beer; but free trade in the sale of grocery and provisions had not secured the public against adulteration. The hon. Member for Birmingham, who sat upon the Adulteration Committee, must have been convinced by the evidence which he took, that the beer was no more adulterated than the articles in which shopkeepers dealt, that there were as nasty things put into cayenne pepper as into beer; and those who were so anxious for free trade would find on examining the Report of that Committee that the public were more likely to get an inferior instead of a better article under a system of unlimited competition. But it was said that the brewers had great influence with the magistrates. That influence would remain whether this Bill passed or not. Under the present system the magistrates were powerless with regard to the granting of licences for beershops. By a most extraordinary anomaly any man who could get a few £6 householders to certify to his character could obtain a beershop license, whereas great difficulties were put in the way of obtaining permission to conduct a respectable tavern. The system of certifying to the character of applicants for beer licences had failed absolutely and egregiously. Could his hon. Friend the Member for Dorsetshire say that it had not? Then, with respect to the brewers, he (Mr. Hardy) could say that he had no connection with any brewer. In bringing forward the Bill he was not influenced in the slightest degree by any brewer; but he was convinced that if the report of the Committee on public-houses were carried out in its integrity, it would put into the hands of the brewers a most absolute and complete monopoly, because the brewers and distillers would be the only persons who could give those high sureties which the hon. Member for South Lancashire said should be required from beer and spirit sellers. The whole of the trade therefore would be thrown into the hands of a few capitalists, and consequently there would be a state of things, in the view of the hon. Member for Dorsetshire, worse even than at present. But what were the great evils arising from brewers being connected with public-houses? He had read the whole of the evidence of the Committee (although the hon. Member for South Lancashire assumed that he had not), and he was convinced by it that the great brewers had been mainly instrumental in preserving order in those houses, and if they could not bring the brewing into the cottage of the poor, it was well to have the beer-shops in respectable hands. He did not by any means wish to perpetuate a monopoly, to curtail the legitimate amusements of the poor, or to prevent their association; but what he did object to was the mischievous associations into which the working classes were brought in the beer-shops conducted under the present competitive system. He wished that the conduct of one whom he might call a model country gentleman, and who was one of the greatest chemical farmers in this country, to the working classes was largely imitated. That gentleman had granted nearly 100 garden allotments, and had established a club-house in the centre. The members of those gardens subscribed a halfpenny a week for the fuel and light required in that club-house, and they saved about a halfpenny in every pint of beer which they there consumed. Each member had in his turn to take charge of the barrel of beer which was kept for the use of the members. They had newspapers and periodicals, and a room for smoking and drinking beer. He should be very glad to see such men compete against the beer-shops to the utmost extent. But as long as the working classes were compelled to resort to the beer-shops for beer, they would be exposed to the demoralizing practices of the beerseller. He (Mr. Hardy) had proved to the House last Session that the conduct of publicans was infinitely better than that of beersellers in the management of their respective houses. The chief constables of several places and Sir Richard Mayne himself (who admitted that the check on public-houses might be advantageously extended to beer-shops in the metropolis) distinctly showed that fact to the Committee; and instances that had occurred recently corroborated their evidence. In Leeds, a few days ago, out of seven cases brought before the magistrates, six were against beer-shops and only one against a public-house. All of those six cases against the beer-shop keepers were for offences of a very bad description. In Northampton and Blackburn also there had recently been similar charges against beer-shop keepers. A great number of beer-shops were simply brothels. In Bradford there were twenty-seven such houses, and he knew not how many in Leeds. Of the 360 beer-shop keepers in Leeds, 150 had formed an association embracing all beer-shop keepers, the only qualifications being an annual payment of 6*d*., the moral character of the member, and the good conduct of his house; thirty had to be expelled for immoral conduct. The result, therefore, in Leeds was this—that, putting aside the 120 who had expressed a deep interest in this Bill, there were at least 200 beer-house keepers there who did not keep their houses in a respectable manner. In Bradford the state of things was the same. He was not surprized at the evidence which Mr. Clay, the chaplain of the House of Correction, had given. Mr. Clay had shown that in Blackburn the beer-houses were the source of almost innumerable crimes, far and away out of all proportion with those which could be traced to public-houses. The Secretary of State for the Home Department had spoken of the restrictions, regulations, and other means of police supervision as remedies against these admitted evils. But all these means had been tried, and that not merely in the rural districts, but in towns in which there was a most efficient and active police, and yet they had lamentably failed. It was manifest that unless they had control over the initiative—unless they put a check to the granting of licences to these houses, the evil would continue to increase. He should be very glad to have the assistance of the right hon. Gentleman in an attempt to make the existing supervision more stringent; but he was convinced that it was only in the adoption of a system which in the initiative would secure the respectability of the applicants for licences that an effectual remedy was to be found. The police knew very well that it was useless to complain year after year of the conduct of beer-shop keepers, for when they found themselves so hard pressed by convictions for improper conduct that they could not carry on their pestilent business a new licence was taken out by some member of their family, or one of their friends, and that process was frequently repeated again and again with regard to a single beer-shop. In Derby, very recently, a publican was tried for receiving stolen goods, and he was sentenced to six years' penal servitude. His son immediately applied for a continuance of that man's licence, the house being on the very night before that application as full of persons of bad character as before the trial; but the magistrates very properly refused the application. The son thereupon said, "Oh! I don't care; I shall get a licence from the Excise." The House would find the Public-houses Report of 1854 full of such instances; and when the right hon. Baronet (Sir G. Grey) said that the magistrates had not done their duty, he (Mr. Hardy) admitted that they had not administered the law with that severity which would have been justifiable in many cases. But, at the same time, the right hon. Baronet would excuse him for calling his recollection to the answer that was given to him by a deputation that waited upon him the other day, when he (Sir G. Grey) urged that the magistrates had neglected to exercise the power which the law gave them of shutting up a badly-conducted beer-shop for two years. The right hon. Baronet was then very properly told that the magistrates could not exercise that power, because it was impossible to obtain a third conviction against the same beershop-keeper, for immediately on a second conviction the man transferred his beer-shop to some member of his family or a friend. And with respect to Mr. Wood's statement before the Committee, that the magistrates had never sent information of such conduct to the Excise, he (Mr. Hardy) found that many magistrates and magistrates' clerks declared that they had forwarded such information continually. But the most dangerous description of beer-shops were those which were opened in rural and secluded districts by those who, owing to their misconduct, had been discharged from their employments—by discharged gamekeepers and other servants. Those beer-houses truly became the pest and curse of the neighbourhood in which they were situated. He should like to see the Secretary of State for the Home Department write to some of the magistrates on the subject of these beer-houses in secluded districts in the same spirit in which Lord Keeper Coventry addressed the Judges in 1635, as to tippling in such places. Lord Keeper Coventry said to the Judges:—

> "I account ale-houses and tippling-houses the greatest pests in the kingdom. I give it you in charge that none be permitted unless they be licensed; and for the licensed ale-houses, let them be few and in fit places. If they be in private corners and ill places they become the dens of thieves—they are the public stages of drunkenness and disorder. In many places they swarm by the default of the Justices that set up too many. I once did discharge two Justices for setting up one ale-house, and shall be prepared to do the like again if the same thing occur."

He (Mr. Hardy) would give the right hon. Baronet and the Lord Chancellor power to act in a like summary way with all Justices who "set up" beer-shops in villages or elsewhere without any regard to the evils that might flow from them. In refusing to vest in magistrates the power of dealing with applications for licences the Legislature deprived them of a power which they ought to exercise. Magistrates were already intrusted with powers to deal with all the crime of the country. They were the conservators of the peace and good order of the community, and it was idle to say that they were not competent to judge of the respectability and fitness of persons applying for licences. Their proceedings were conducted in open court, in the face of the country, and under the eye of the press. There were "thirsty souls" on the one side, and "leading articles" on the other. The press in London and in the provinces was ever ready to make public the complaints of the people. It would not fail to comment upon any abuse of power on the part of the magistrates. He himself was not an acting magistrate, but he had had frequent opportunities of witnessing the fairness and impartiality with which they discharged their duties. It was to their credit that, notwithstanding all the libels and slanders cast upon them by venal newspapers, it was only now and then that you could find an instance in which a magistrate had really neglected his duty. The slanders almost always consisted of vague charges against the magistrates universally. He appealed to the hon. Member for Dorsetshire whether the complaints against individual magistrates, when they came to be investigated, and the parties brought face to face with the magistrates, were not found to be unfounded. He (Mr. Hardy) knew that magistrates, like other men, were liable to be influenced by prejudice and other unworthy motives; but if they acted improperly let them be removed from the bench. Still, if not in the magistrates, in what tribunal would the House vest the power of dealing with licences? As a body they were of unimpeachable character, and to them appeals might be made without fear of injustice. But, said the hon. Member for Dorsetshire, "I shrink from the duty which this Bill would impose upon me as a magistrate, because it is too onerous." Now, he (Mr. Hardy) thought that the magistrates ought to be ashamed of putting forward such a plea. If they took upon themselves the sending of people to prison for slight offence, of summarily convicting persons without any appeal in many instances, and thus breaking up their families and households, surely they were well qualified to take steps whereby to limit, as far as possible, the number of those places in which crime was nurtured and extended, and thus make their district free from crime. He knew that to deal with property was a very different thing from dealing with crime; but had not the Lands Clauses Consolidation Act empowered magistrates to deal with questions affecting property, and to award compensation, and that although the owner of the property might be their neighbour? The objection as to magistrates having a discretionary power with regard to licences applied for by their neighbours therefore fell to the ground. In spite of all that had been said by the hon. Member for Dorsetshire (and it could not have been better said)—in spite of all that had been said and promised by the Government to consider this subject during the recess, he thought it was his duty to persevere with this Bill. The speech of the right hon. Baronet (Sir G. Grey) indicated that all that he intended to do during the recess in this matter was to consider the unsatisfactory scheme shadowed forth by the Report of the Committee, which could not change the present anomalous state of things. He wished to call their attention for a moment to that state of things, because it had rather been kept out of sight. At present there were two systems, one of which acted as a check upon the other. That duplicate system had proved to be a failure. All the Committees that had sat upon this subject admitted that it was. The right hon. Baronet had challenged him to point to the recommendation of his (Mr. Hardy's) proposition by any of those Committees. Well, he admitted that he had no such recommendation to support him. He would not say that he was as well qualified as those Committees to express his opinion upon the matter, but he might at least say that he had a right to exercise his judgment upon it. The evidence taken before those Committees was published in order that it might be seen whether they were justified in their conclusions. He admitted that they had some strong evidence in their favour, but there was also strong evidence the other way. Mr. Henderson, the Recorder of Liverpool, Mr. Maude, the stipendiary Magistrate of Manchester, and Mr. Hill, the Recorder of Birmingham, had expressed strong opinions against the scheme of the last Committee that sat upon this subject. The Committee said that the existing evils were entirely owing to the competition between those houses which had and those which had not spirit licences, and they therefore proposed a plan to increase that competition, and recommended that beersellers should be allowed to compete on equal terms with the licensed victuallers. With the greatest deference to the Committee, he must say that that argument was one of the most extraordinary that he had ever heard of. In his opinion no scheme could have been propounded so likely as that to increase the existing evils. He was unable to say whether drunkenness had increased or decreased of late in this country, because there was no statistical information on which he could rely. But, whether it had increased, or not, there could be no doubt that juvenile crime especially had increased, and that it was fostered by beer-houses. He meant, of course, the mass of these houses, for he must admit that there were many beer-houses, both in town and country, which were well conducted. While those schools of crime were permitted to exist it was of little use to establish reformatory or industrial schools. It was his wish to check the growth of juvenile crime. In pressing this Bill on the attention of the House, he was acting in unison with the magistrates, the clergy, and the chaplains of gaols throughout the country. He held in his hand the reports of forty-four chaplains, in which they expressed their belief that beer-houses were the greatest nurseries of crime. Lord Althorp in the year 1834 said he could never have conceived that the beer-shop system could have produced such enormous evils as it had. The present system was proved three years ago to be a failure, and yet not the slightest effort had been made to alter it. Surely it was important that the law should be in unison with the opinions of the better class of society, but what do the Commissioners of Inland Revenue say to the working of the present system. Their first Report was presented to the House at the close of the last Parliament, and he did not see it till the other day. In it they said:—

> "Although we refrain from pronouncing an opinion on the effect of beer-houses on the morals of the labouring classes, we are bound to say that in administering the law on this subject we are constantly finding ourselves placed in opposition to the clergy and magistrates, who consider the licensing of these houses a great evil. To their applications we can give but one answer, namely, that the law does not allow us any discretion."

The working man was as much interested in this matter as the rich man; and he had received letters from working men urging him to press forward this measure, in order that they might be relieved from the temptations to which they were exposed by beer-shops. He had also received a letter from an incumbent stating that working men had complained to him of the enormous amount of evil produced by the numerous beer-shops in their neighbourhood, and of the temptations which they held out to them and their children. The time, then, had arrived when the Legislature itself should act in unison with those various classes of society who had urged him to bring forward this remedy for great and acknowledged evils. The crimes consequent upon drunkenness were increasing to a most alarming extent. He had inserted a clause to prevent taking clothes in pledge for liquor. A case had happened (he believed at York) where a woman had parted with every article of clothing she had on. She give them to the publican for drink, which having imbibed, she was turned into the street stark naked. There was one point of the Bill to which he wished to refer, though it was only a matter of detail, and that was the provision to prevent ale scores being sued for. County Court Judges had complained of the ruin which was brought upon many families by beerhouse-keepers suing for payment of their debts in the County Courts, and he, therefore, proposed to provide by this Bill, that no such debts should be recoverable unless sued for within a short specified time. By the old Courts of Requests Acts (and he had an instance in that of the Halifax and Bradford Court of Requests) such scores were not recoverable in those courts, so that he introduced no new principle. Again, the law was by the Tippling Act still more stringent in the case of spirits. He hoped that hereafter something would be done to put a stop to the sale of wine and spirits by what were called "free vintners" in the cities of London and Westminster, who seemed to have the privilege of selling those articles, and who had often no direct connection with the houses over which their names were placed, and which were in many cases used for the worst purposes. There were more than one of these houses in the neighbourhood of the Haymarket. The coffee-shops should also be dealt with, and treated as places of public refreshment; for it was certain that there were very many improper houses kept open under the guise of coffee-shops. This was a matter which the House would have to consider. Admittedly it was a growing and a very dangerous evil. He could assure the House that he had no desire to interfere with legitimate trade; all recognised the necessity of some restriction, and the question was of what kind it should be. He only wished to do that which he was sure every hon. Member was anxious to effect; namely, put an end to a system that led to immorality, and bade defiance to all efforts to reform juvenile offenders. He had no personal interest in the matter, but brought it forward at the request of others whose sole object was the promotion of morality, public decency, and order.

MR. C. P. VILLIERS said, he should not have risen to address the House but from the circumstance of his having acted as Chairman of the Committee which had been so much referred to. Having been so, however, he could not allow the hon. and learned Gentleman to represent the Report of that Committee to this House in a light not warranted by facts. The hon. Member seems to imagine that it had no other view than to give effect to a theory, and the greater part of his speech has been devoted to battling with proposals that have not been made. Now, the object of the Committee had been to inquire into the evils connected with the sale of intoxicating liquors, which the hon. and learned Gentleman had brought before the House, and to inquire further whether the present law which regulated the houses for the sale of liquor could not be amended with a view to the better protection of public morals, and the better accommodation of the public. The hon. and learned Gentleman, however, spoke as though the Committee had been utterly regardless of those considerations, as if their only object had been to establish what he is pleased to call free trade in spirits, utterly reckless of the consequences, which he professed to detail at much length, and upon that assumption has argued in favour of his own measure. If the House did not adopt this most erroneous view of the labours of that Committee, he (Mr. Villiers) could not conceive that they were likely to support this Bill in the very face of the evidence collected by the Committee, and now in their possession; and, further, in disregard of the assurance given by the Secretary of State (Sir G. Grey) that the Government would take up the subject, and be ready to propose a measure in the course of next Session. The hon. and learned Gentleman had in view, he presumed, to raise the character of houses for the sale of intoxicating liquor, and, if possible, to impose limits on their number. But how could he attempt to lead the House to suppose that the Committee had been indifferent to these objects, and had taken no precaution whatever for the future conduct and character of these houses, or indeed, as he had implied, that their object was merely to multiply them indefinitely? Why, the first proposition made was that no man should get a licence without the certificate of the magistrate as to his being a fit person in point of character to receive it. Again, at this time any man might go to the Excise and claim a beer-house licence without his certificate of character on payment of £1 2*s*., while the proposal of the Committee was that the lowest payment should be £6, and should increase gradually in proportion to the population. Then the hon. and learned Gentleman, very conveniently for his own measure, ignored altogether the evidence as to the working of the present licensing system, and its inefficiency in checking the evils of which he complained, because he had proposed a measure which, in direct opposition to that evidence, purported to extend that system, and that without venturing to dispute the accuracy of the evidence. If the hon. and learned Gentleman had ever read the evidence he must have observed that the two things which were proved to be most objectionable, was first, the sort of compulsory division of the business of the publican into the sale of beer only, and the sale of all other things in which a publican usually dealt; and secondly, the present licensing system, and yet he had adopted them both as the basis of his plan. The present system of separating the sale of spirits from the sale of beer was found to be most unsatisfactory, for it was almost impossible for a man to live by the sale of beer alone, and the evidence taken before the Committee showed that this was the occasion in many cases of the disreputable practices adopted in these houses of various irregular attractions being resorted to to procure custom. The hon. and learned Gentleman, however, proposed to perpetuate this artificial distinction occasioned by law between the two classes of houses, and the only difference in his scheme from the present would be that the persons who were to sell beer alone in future would get their licence from the magistrates, which, as a system, had been shown to work so ill in the case of the publicans. The hon. and learned Gentleman ought to have told the House how he intended to meet the proved evils of the licensing system, or to have told them that the evidence was untrue. He proposed to extend the jurisdiction of the magistrates in this respect, and he chose to ignore altogether the evidence of the uncertain and irregular manner in which the licences were now given. The hon. and learned Member said the Committee wished to attack the magistrates, and he seemed to think it enough for him generally to defend the magistracy as a body, as if they had been so attacked. Now, the fact was, that this part of the subject was purposely referred to with great carefulness and moderation in the Report, but the evidence teemed with statements made as to the manner in which these licences were granted, the system being shown to be of the most irregular and unsatisfactory kind. Nobody attacked the magistrates as a body. The Committee did not feel called upon to make any reflections on the magistracy, because they had good reason to believe that the great body of the magistrates were as little pleased as others with the irregularities of the licensing system; that it was a task that usually devolved upon a few of their body only; and that generally speaking they would gladly be relieved of a duty which they deemed it difficult and odious to perform. It was, indeed, one which appertained rather to the police than to men having judicial functions, and it was felt by some that suspicions which attached to them in this matter tainted their character in the administration of justice. But the evidence as to the caprice and irregularity that existed in the granting of licences to public-houses could not be disputed; it was so full, so complete, and so damnatory. In consequence, however, of the observations of the hon. and learned Gentleman, he would direct the attention of hon. Members to the evidence of the Recorder of Yarmouth, who spoke from an experience of seventeen years, acting as a magistrate, and who was equally acquainted with the towns of Yarmouth, Norwich, Lynn, and Ipswich. That gentleman even stated that there was favouritism and corruption of every description; that many of the licensed houses were of the lowest description, but that it was vain to complain against them on account of the interest which the owners of them had with gentlemen on the bench—in fact, that the magistrates were every year drummed up on the licensing day in such a manner as almost to preclude any respectable person from obtaining a licence: it was stated that there were licensed houses which had been brothels for forty-five years, and that the fact was known to the magistrates. Such was a sample of the evidence; and that evidence, though well known to have been given, was the next year wholly uncontradicted. For it was mainly on account of the startling evidence exposing the evils of the licensing system that he (Mr. Villiers) advised the Committee not to report in the first year of the inquiry, in order that this evidence should circulate through the country, and that if anything untrue had been stated that it might be contradicted, and that the Committee should only make its Report upon the truth. Now, he called upon the House to remember that the main point involved in the vote they were about to give was this, whether the licensing system, as it existed at present, should be extended or not. That is what the hon. and learned Gentleman proposed, not admitting himself, and expecting, he supposed, that the House would ignore altogether, the evils shown to exist in connection with the licensing system. The difficulty which was felt at present in dealing with this subject was the enormous value which had artificially been given to property by the licensing system. "Vested interests" presented themselves in this matter; yet the hon. and learned Gentleman proposes to the House to increase these difficulties by his plan, which would, of course, work with respect to beer-houses precisely as it had done with the other houses. They must not forget, moreover, that the licence is usually considered as a favour conferred by the magistrates, and that if the beer-houses were to be licenced in the same way, it would greatly add to that kind of patronage. He (Mr. Villiers) did not say a word himself against the conduct of the magistrates. He only referred to the evidence which had been given, which was credible. He had no interest in the matter. They were magistrates themselves that had come forward to speak against the system, and ask to be relieved from the duty at present imposed upon them; and it was a remarkable fact, that the hon. Member who had proposed the postponement of the second reading of this Bill for six months, was a county Member and a magistrate. But he begged to say there was evidence in the Report to show that it was not the magistrates alone who were to blame in this matter, and that there were other people of station in society, or possessing peculiar property, who had interest in the houses that were ill conducted, and who interfered with the magistrates to protect them; and if they would turn to Mr. Palmer's evidence, they would see how the magistrates were sometimes told that they were injuring property when they were about to suspend a licence. The hon. and learned Gentleman, or some other Members who had preceded him, attempted to dispose of the evidence against the system, by saying that it referred only to the metropolis; but if the Report was referred to, they would see that in all other parts of the country it was shown that there is an absence of all rule in granting or withdrawing the licences. The solicitor of the Victuallers' Association at Liverpool was sent up to the Committee to give evidence in favour of the system, but when he was asked upon what rule he thought the magistrates proceeded in granting licences, replied, "None at all," and was obliged to admit that it was very much determined by the varying humour of the justices who attended, and that he thought many persons applied and got licences by that means who could not otherwise do so. Now, when evidence of this kind was submitted to the Committee, they were compelled to notice it, and in considering what amendment they would recommend, it was utterly impossible that they could pursue the course of the hon. and learned Gentleman, and advise this faulty system to be extended further. But, far from justifying what the learned Gentleman implied, that the Committee had no views of its own, and therefore, that his scheme should be adopted, he might see by their Report that their opinion was, that a matter so important as that of the sale of intoxicating liquors should not be left to the mercy, or caprice, or interest of any set of men, but that ample security should be taken for the character and conduct of a person engaging in the business, and that the conditions on which he might enter that business should be defined and known, and that it should be left to some responsible public officer to determine whether he had complied with those conditions, and whether he was entitled to a renewal of his licence. He believed that a system of that kind would give more satisfaction than to leave the matter to the discretion or fancy of so varying a body as the justices of the peace. The hon. and learned Gentleman had no right, therefore, in only proposing an experiment that had failed, to claim for himself the merit of having alone devised a remedy for great and admitted evils, while the Committee had proposed nothing in lieu of what they intended to derange. He (Mr. Villiers) had only risen to vindicate the Report of that Committee from some of the charges which had been made against it; and he should not at present go farther into the subject, especially as his right hon. Friend the Secretary of State had told the House that it should receive his best attention before the next Session. At all events, he hoped the House would not consent to support this measure without minutely examining the evidence upon the whole subject now before them, which had been collected with great care, and which, as he believed, would lead them to the conclusion that the plan proposed by the hon. and learned Gentleman, however well meant, would be no security against many evils, and would in some respects be an aggravation of the mischievous system at present existing.

General THOMPSON said, that the question for the actual consideration of the House was, whether the subject would be better in the hands of the Government, or of the hon. Gentlemen opposite; and knowing the diversity of opinions entertained by his own constituents, he would go with the Government.

Mr. BARROW said, that as a member of the Committee referred to, he felt it his duty, upon the ground that he held the opinions stated in the Report, to vote for this Bill, and thus attempt to remedy the evils arising from the admitted failure of the beer-house system. The question of free trade in beer was one to be decided when the House went into Committee. He agreed in thinking that the Report which had been animadverted on contained no imputations upon the magistrates, and seeing that, he confessed he was a little astonished at the tone of the right hon. Member (Mr. Villiers) in respect to those gentlemen. For himself, he believed the conduct of the magistrates to be above suspicion.

Question put, "That the word 'now' stand part of the question."

The House *divided:*—Ayes 180; Noes 213: Majority 33.

Words *added;* Main Question, as amended, put and *agreed to.*

Bill *put off* for six months.

List of the Ayes.

Adair, H. E.
Adams, W. H.
Adderley, C. B.
Adeane, H. J.
Akroyd, E.
Althorp, Visct.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Barrow, W. H.
Baxter, W. E.
Beecroft, G. S.
Bennet, P.
Beresford, rt. hon. W.
Bernard, T. T.
Bernard, hon. W. S.
Biggs, J.
Black, A.
Bovill, W.
Bramston, T. W.
Bridges, Sir B. W.
Brocklehurst, J.
Brown, J.
Bruen, H.
Buller, Sir J. Y.
Burghley, Lord
Bury, Visct.
Butler, C. S.
Byng, hon. G. H. C.
Carden, Sir R. W.
Carnac, Sir J. R.
Cavendish, hon. G.
Charlesworth, J. C. D.
Cholmeley, Sir M. J.
Christy, S.
Clay, J.
Close, M. C.
Cobbold, J. C.
Cole, hon. H. A.
Collins, T.
Cooper, E. J.
Cotterell, Sir H. G.
Cowan, C.
Crook, J.
Cross, R. A.
Crossley, F.
Davison, R.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Elton, Sir A. H.
Ewart, J. C.
Farnham, E. B.
Fenwick, H.
Finlay, A. S.
Fitzwilliam, hn.C.W.W.
Foljambe, F. J. S.
Forde, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Gilpin, Col.
Gilpin, C.
Glyn, G. C.
Goderich, Visct.
Greenwood, J.
Grenfell, C. W.
Griffith, C. D.
Grogan, E.
Grosvenor, Lord R.
Gurdon, C. B.
Hackblock, W.
Haddo, Lord
Hadfield, G.
Hamilton, Lord C.
Hanbury, R.
Hanmer, Sir J.
Harris, J. D.
Hassard, M.
Hayes, Sir E.
Hildyard, R. C.
Hodgson, W. N.
Holford, R. S.
Hopwood, J. T.
Horsfall, T. B.
Hudson, G.
Ingham, R.
Johnstone, hon. H. B.
Johnstone, Sir J.
Jones, D.
Kendall, N.
Kerrison, Sir E. C.
Kershaw, J.
King, J. K.
King, E. B.
Kirk, W.
Knatchbull, W. F.
Knightley, R.
Langton, W. G.
Langton, H. G.
Laurie, J.
Legh, G. C.
Lovaine, Lord
Lowther, hon. Col.
Luce, T.
Macartney, G.
Macaulay, K.
Maguire, J. F.
Mainwaring, T.
Malins, R.
Manners, Lord J.
Maxwell, hon. Col.
Miller, T. J.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Naas, Lord
Newdegate, C. N.
Packe, C. W.
Pakenham, Col.
Palk, L.
Patten, Col. W.
Paull, H.
Pease, H.
Pennant, hon. Col.
Pevensey, Visct.
Portman, hon. W. H. B.
Powell, F. S.
Raynham, Visct.
Repton, G. W. J.
Ridley, G.
Robartes, T. J. A.
Robertson, P. F.
Rolt, J.
Rushout, G.
Sandon, Visct.
Shirley, E. P.
Sibthorp, Maj.
Smollett, A.
Spooner, R.
Stafford, A.
Steuart, A.
Stewart, Sir M. R. S.
Taylor, Col.
Taylor, S. W.
Thesiger, Sir F.
Tite, W.
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Verney, Sir H.
Waddington, H. S.
Walcott, Adm.
Waldron, L.
Walpole, rt. hon. S. H.
Warre, J. A.
Westhead, J. P. B.
Whiteside, J.
Whitmore, H.
Wickham, H. W.
Wigram, L. T.
Willoughby, J. P.
Willson, A.
Winnington, Sir T. E.
Woodd, B. T.
Woods, H.
Wrightson, W. B.
Wynn, Col.

TELLERS.

Hardy, G.
Headlam, T. E.

List of the Noes.

Alcock, T.
Anderson, Sir J.
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Baring, rt. hon. Sir F. T.
Barnard, T.
Bass, M. T.
Bathurst, A. A.
Beach, W. W. B.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Berkeley, F. W. F.
Blackburn, P.
Bland, L. H.
Booth, Sir R. G.
Bouverie, rt. hn. E. P.
Bowyer, G.
Brady, J.
Brand, hon. H.
Buchanan, W.
Buckley, Gen.
Buller, J. W.
Burke, Sir T. J.
Buxton, C.
Caird, J.
Calcraft, J. H.
Calcutt, F. M.
Castlerosse, Visct.
Clifford, C. C.
Clifford, H. M.
Clive, G.
Cobbett, J. M.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Coningham, W.
Copeland, W. T.
Corbally, M. E.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Cubitt, Mr. Ald.
Dalgleish, R.
Davey, R.
Davie, Sir H. R. F.
Dering, Sir E. C.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Divett, E.
Dodson, J. G.
Drummond, H.
Duff, G. S.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, Sir J.
Ennis, J.
Estcourt, T. H. S.
Evans, T. W.
Ewart, W.
Farquhar, Sir W. M.
Fergus, J.
FitzGerald, rt. hon. J. D.
Foley, J. H.
Foley, H. J. W.
Foster, W. O.
Fortescue, hon. F. D.
Gaskell, J. M.
Glyn, G. G.
Goddard, A. L.
Grace, O. D. J.
Greaves, E.
Greene, J.
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Hall, rt. hon. Sir B.
Handley, J.
Hankey, T.
Harcourt, G. G.
Hastie, Arch.

Hatchell, J.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heard, J. I.
Henchy, D. O'C.
Holland, E.
Hope, A. J. B. B.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, W.
Jackson, W.
Jermyn, Earl
Jervoice, Sir J. C.
Johnstone, J. J. H.
Ker, R.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Knatchbull-Hugessen, E
Lennox, Lord H. G.
Levinge, Sir R.
Liddell, hon. H. G.
Lowe, rt. hon. R.
Lygon, hon. F.
Macarthy, A.
M'Cann, J.
MacEvoy, E.
Mackie, J.
Mackinnon, W. A.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Massey, W. N.
Matheson, Alex.
Melgund, Visct.
Mills, T.
Monsell, rt. hon. W.
Morris, D.
Mostyn, hon. T. E. M. L.
Mowbray, J. R.
Mulgrave, Earl of
Napier, Sir C.
Neate, C.
Newark, Visct.
Nicoll, D.
Nisbet, R. P.
Norreys, Sir D. J.
O'Brien, P.
O'Donaghoe, The
Ogilvy, Sir J.
Palmer, R. W.
Paxton, Sir J.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Pilkington, J.
Power, N.
Price, W. P.
Pryse, E. L.
Pritchard, J.
Puller, C. W.
Ramsay, Sir A.
Ricardo, O.
Rich, H.
Roupell, W.
Russell, Lord J.
Russell, Sir W.
Scholefield, W.
Sclater, G.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stapleton, J.
Steel, J.
Stirling, W.
Stuart, Lord J.
Stuart, Col.
Sullivan, M.
Tempest, Lord A. V.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tollemache, hon. F. J.
Tottenham, C.
Townshend, J.
Traill, G.
Trelawny, Sir J. S.
Trueman, C.
Tynte, Col. K.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vivian, hon. J. C. W.
Vivian, H. H.
Walter, J.
Warburton, G. D.
Watkin, E. W.
Watkins, Col. L.
Weguelin, T. M.
Whatman, J.
Whitbread, S.
Willcox, B. M'G.
Williams, M.
Williams, W.
Willyams, E. W. B.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Wyndham, W.
Wyvill, M.
Yorke, hon. E. T.

TELLERS.

Seymer, H. K.
Brown, W.

PROPERTY QUALIFICATION BILL.

SECOND READING MOVED.

Order for Second Reading read.

MR. LOCKE KING said, that the only objection which had been urged against it, so far as he was aware, was one of a formal character, arising out of an implied understanding which it was said that the House had come to, to defer all questions of reform to the next Session. The present Bill, however, dealt with the elected rather than with the electors, and the noble Lord at the head of the Government had himself answered the objection referred to, by introducing this year a Bill which dealt with the interests of the elected—he meant the Parliamentary Oaths Bill, which the present Bill in some measure resembled, as it only regarded the declaration which new Members had to make after taking the Oaths. The question involved in this Bill never had been treated as any portion of a Reform Bill, except in 1852, when the substance of this very Bill formed one of the clauses of the measure then introduced. The Bill which he now asked the House to read a second time could not be called an innovation, because if passed it would only result in a recurrence to the ancient state of things which existed previously to the last century, when no property qualification whatever was required for Members of Parliament. Such was still the state of the law as regarded Scotch Members, and previous to the Union it also prevailed in Ireland. It was only fair, he thought, that it should now be extended to both the latter classes of Members. Qualifications for Members of Parliament it was known were often bought and sold, and many men of integrity had been known to take the Oaths who had no *boná fide* qualification. The Bill he felt every confidence would be attended with the greatest benefit, and, without further trespassing upon the attention of the House, he begged to move its second reading.

Motion made, and Question proposed, "That the Bill be now read a second time."

SIR GEORGE GREY said, that when his noble Friend at the head of the Government announced his intention to bring in a Reform Bill next year, it was qualified with the understanding to which the House had agreed, that this and all other Bills which affected the representation of the people should not be proceeded with in the present Session of Parliament. That being so, he would, without entering into the merits of the question, suggest to his hon. and learned Friend that he should postpone its consideration; but, if he were not disposed to take that course, he begged to move as an Amendment, that the Bill be read a second time that day six months. For the same reason, also, he should feel, it to be his duty to oppose the next two Bills which stood upon the Order paper—namely, the Election Expenses Bill and the Registration of Voters Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Mr. COBBETT drew the attention of the House to the fact that not the least assurance was given by the right hon. Baronet as to whether the question of qualification would be dealt with in the proposed Reform Bill, and unless some such assurance was given, he trusted his hon. Friend would divide the House upon his Motion.

Mr. COLLIER thought they could not expect more from the Government than the pledge that they would introduce a measure of Parliamentary Reform next Session. He himself was placed in a position of great difficulty by this Motion. He thoroughly agreed in the principle of the Bill that property qualification should be abolished; but it would be more satisfactory, that a question of such importance as Parliamentary Reform should be dealt with by the Government comprehensively rather than in a fragmentary manner by private Members. They had plenty of business before them for the present Session. They had the Ecclesiastical Courts Bill, the Fraudulent Trusts Bill, the Divorce Bill, and other measures, and he thought they would be better employed by applying themselves to the consideration of these; for nothing could be done this Session in the way of Parliamentary Reform under the circumstances; and even if it could it would be of no practical avail, because Parliament would not be dissolved in consequence. He hoped his hon. and learned Friend would consent to the postponement and withdraw his measure; though, if he declined to do so, he should feel bound to vote with him.

Mr. T. DUNCOMBE said, it appeared to him that a new doctrine was about to be laid down in that House, that the representatives of the people were not to discuss the subject of their representation, but to be tongue-tied for that Session. The noble Lord said, "If you have not sufficient confidence in us to postpone all questions of Parliamentary Reform until next Session, transfer the Administration to other hands;" the reason being that Her Majesty's Ministers had in embryo some measure of reform which they hoped during the recess to bring to mature gestation, and that by next spring they would be in a "parturient" state, and would then lay on the table their little joy before an admiring Senate and people. In the meantime they were to tie up their knockers, and not breathe a word about reform. He feared that Her Majesty's Government did not sufficiently appreciate the determined intentions and the meritorious exertions of his hon. Friend who had brought in this Bill, of his noble Friend the Member for Middlesex, who had introduced the next Bill upon the paper, and of himself, who claimed the paternity of the third Bill. He said that those three measures which stood for second reading that day made a very pretty little *boquet* of reform, which they begged the noble Lord to accept; and how, he asked, was the noble Lord to know what the wishes of the people were, except through their representatives? Here they were, all piping hot from the hustings; and he contended that there never was an assembly more ready or more fit to give the noble Lord a hint as to what the people expected in the way of Parliamentary Reform. But delays were dangerous. Long Parliaments had usually very short memories; and, probably, in a year or two hon. Gentlemen might have forgotten the pledges which they had made at the hustings; but now they were in a state to tell the noble Lord exactly what was wanted, and he begged to inform the noble Lord now that what was required was a large and full measure of reform, which would give the franchise to a great portion of the working and industrious classes of the country. Unless the noble Lord should be prepared to bring forward a complete and efficient measure of reform he had better leave the subject alone. That being the state of the case, if any Member of the Government would tell him (Mr. Duncombe) that two of the points in their little charter of next Session would be the abolition of property qualification for Members and a more perfect system of registration of voters, he should be prepared to withdraw his Bill for the present Session, and he should advise his hon. Friend (Mr. L. King) to do the same: otherwise, he hoped his hon. Friend would press his Motion to a division, and so let the country see who were reformers and who were not; and whether there was anything like a fulfilment of the pledges which had been so recently given on the hustings.

Mr. GREER concurred in all the arguments which the hon. Member for Finsbury had used in favour of the second reading of the present Bill, and urged that it might be passed, not only safely, but easily, without interfering with the promised Reform Bill of next year. It involved merely a broad general principle, which the Government and the House could decide upon as easily now as six months hence. There was but a single clause referring to seven statutes, and repealing them all, so far as they related to the qualification of Members. If the principle of the Bill were affirmed, there would be no trouble in Committee in dealing with its details. Besides, there had been no pledge given that this subject would be dealt with in the Reform Bill of next year. On this ground, he hoped that the hon. and learned Member for Plymouth, and others who approved of the measure, would now support its second reading. It was important that the new Members should have an opportunity of recording their votes in its favour, and thus indicating clearly the current of public opinion out of doors on this and kindred subjects. This qualification must have been originally imposed on the supposition that it would ensure a higher degree of intelligence, or else of honesty and faithfulness, in the representatives of the people. But it did not accord with his experience that people became more honest or clear-headed as they increased in wealth, or that a man's property was any test of his moral and intellectual qualities. If this were true among candidates, it should also be true among electors. But he had often found among the electors who were lowest in the scale as to property a higher degree of independence and enlightenment than among those who were far above them in worldly circumstances. It was not a property test that was needed for Members, but a moral and intellectual test. Let the Educational Committee of the Privy Council come forward and submit the programme of an examination which all candidates should successfully undergo before they could be elected. If they must have a test, let it be of that description. He objected to the property test as unduly limiting the class out of which constituencies might select Members. It was on behalf of the electors, who sought to have their opinions fairly represented in Parliament that he supported this Bill, and not for the sake of the candidates merely. Then they were not left to mere theory for their arguments. They had the example of Scotland, in which no property qualification was required; and yet he submitted that the Scotch Members were equal in efficiency to any other Members. Would any one stigmatize the Scotch Members as inferior in honesty or ability? and yet, without maintaining by necessary implication that they must be inferior, how can any one oppose the present Bill? If any of the "bit-by-bit" reformers were afraid to introduce so very sweeping a measure all at once, let them bring it in gradually, if they chose, beginning with the Northern counties of England and the province of Ulster to see how it would work, and then introducing it over the whole country. He hoped the hon. Member for East Surrey would press his Motion to a division.

Viscount PALMERSTON hoped that the House would follow the recommendation of his right hon. Friend the Secretary of State for the Home Department, and that they would concur in that which he thought was a general understanding—though, of course, it was not an engagement on the part of anybody—that questions affecting the constitution of that House should be postponed to the next Session, seeing that in the present there really was no probability of there being sufficient time to give that consideration to these questions which their importance undoubtedly deserved. That remark would apply, not only to the Bill of his hon. Friend the Member for East Surrey, but also to the two other Bills which stood next upon the order paper. He forebore from entering at all, on the present occasion, into the merits of the Bill which his hon. Friend had proposed; at the same time, his hon. Friend must of course be aware that, whatever he might think of the merits of his own proposition, there might be others who entertained the strongest objections to it; and when it came to be argued—as it must be when it should be brought under the deliberate consideration of the House—much might be stated in opposition to the views of his hon. Friend and the promoters of the Bill. He forebore from sketching even any of those familiar topics which must naturally enter into the mind of every one in connection with the question of property qualification, such as that a property qualification was almost an essential feature of the constitution, and was required for magistrates, electors, and others, He would not enter into these discussions, but earnestly recommend his hon. Friend to permit the measure to stand over for future consideration, and not to press the House to a division upon the present occasion.

Mr. LOCKE KING could not agree in the reason—he had almost said the excuse—which had been put forward by the Government for postponing this measure. The proposed measure was, he repeated, a clause in the Bill of 1852, which had been brought in by the Cabinet of which the noble Lord now at the head of the Government was a member, and he really could not see any valid reason for refusing to proceed with it in the present Session. If the measure to be introduced next year should be worth anything it would probably occupy the whole attention of the House, and there would be no time to discuss small measures of this kind, which might very well be passed now, and clear the ground for next Session.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 145; Noes 204: Majority 59.

Words *added;* Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

List of the AYES.

Adams, W. H.
Alcock, T.
Althorp, Visct.
Anderson, Sir J.
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Ball, E.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Beaumont, W. B.
Berkeley, F. W. F.
Biggs, J.
Black, A.
Bland, L. H.
Bowyer, G.
Brady, J.
Brown, W.
Bury, Visct.
Butler, C. S.
Buxton, C.
Buxton, Sir E. N.
Byng, hon. G.
Calcutt, F. M.
Clay, J.
Cogan, W. H. F.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Coningham, W.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Davey, R.
Davie, Sir H. R. F.
De Vere, S. E.
Devereux, J. T.
Dillwyn, L. L.
Dodson, J. G.
Duke, Sir J.
Dunbar, Sir W.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Ebrington, Visct.
Ellice, E.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fenwick, H.
Fergus, J.
Forster, C.
Fortescue, hon. F. D.
Gilpin, C.
Glyn, G. G.
Goderich, Visct.
Grace, O. D. J.
Greene, J.
Greer, S. M'C.
Grenfell, C. P.
Grenfell, C. W.
Greville, Col. F.
Gurdon, B.
Gurney, S.
Hackblock, W.
Hadfield, G.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harris, J. D.
Headlam, T. E.
Holland, E.
Hutt, W.
Jackson, W.
Kershaw, J.
Kinglake, A. W.
Kinglake, J. A.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Langton, H. G.
Levinge, Sir R.
Macarthy, A.
M'Cann, J.
MacEvoy, E.
M'Cullagh, W. T.
Maguire, J. F.
Martin, P. W.
Matheson, A.
Melgund, Visct.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Neate, C.
Nicoll, D.
O'Brien, P.
Ogilvy, Sir J.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Perry, Sir T. E.
Philips, R. N.
Platt, J.
Price, W. P.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Roupell, W.
Russell, F. W.
Russell, Sir W.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Smith, M. T.
Smith, A.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stapleton, J.
Stuart, Lord J.
Sullivan, M.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Tottenham, C.
Townsend, J.
Trelawny, Sir J. S.
Turner, J. A.
Vivian, H. H.
Waldron, L.
Watkins, Col. L.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Willcox, B. M'G.
Willyams, E. W. B.
Winnington, Sir T. E.
Woods, H.
Wyvill, M.

TELLERS.

King, hon. P. J. L.
Cobbett, J. M.

List of the NOES.

Adair, H. E.
Adderley, C. B.
Adeane, H. J.
Akroyd, E.
Annesley, hon. H.
Bailey, C.
Baines, rt. hon. M. T.
Baring, T. G.
Bernard, T. T.
Bernard, hon. W. S.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Beecroft, G. S.
Bethell, Sir R.
Blackburn, P.
Blakemore, T. W. B.
Booth, Sir R. G.
Botfield, B.
Bouverie, rt. hon. E. P.
Bovill, W.
Bramston, T. W.
Brand, hon. H.
Bridges, Sir B. W.
Briscoe, J. I.
Buckley, Gen.
Buller, Sir J. Y.
Buller, J. W.
Bunbury, W. B. M'C.
Burke, Sir T. J.
Calcraft, J. H.
Carnac, Sir J. R.
Castlerosse, Visct.
Cecil, Lord R.
Charlesworth, J. C. D.
Christy, S.
Clifford, C. C.
Close, M. C.
Cobbold, J. C.
Cole, hon. H. A.
Collins, T.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, Mr. Ald.
Dering, Sir E.
Divett, E.

Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Elcho, Lord
Elphinstone, Sir J.
Ennis, J.
Esmonde, J.
Estcourt, T. H. S.
Farnham, E. B.
Farquhar, Sir M.
Finlay, A. S.
FitzGerald, W. R. S.
FitzGerald, rt. hon. J. D.
Foley, H. J. W.
Foljambe, F. J. S.
Forde, Col.
Foster, W. O.
Fortescue, C. S.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
Gifford, Earl of
Gilpin, Col.
Glyn, G. C.
Goddard, A. L.
Greenwood, J.
Gregory, W. H.
Gregson, S.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grogan, E.
Hall, Gen.
Harcourt, G. G.
Hardy, G.
Hassard, M.
Hatchell, J.
Hay, Lord J.
Hayes, Sir E.
Herbert, Col.
Holford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Jervoise, Sir J. C.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Johnstone, Sir J.
Jones, D.
Kendall, N.
Ker, R.
Kerrison, Sir E. C.
King, J. K.
King, E. B.
Knatchbull, W. F.
Langton, W. G.
Laurie, J.
Legh, G. C.
Lennox, Lord H. G.
Lewis, rt. hn. Sir G. C.
Lovaine, Lord
Lowe, rt. hon. R.

Lowther, hon. Col.
Luce, T.
Macaulay, K.
Mackie, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of
Massey, W. N.
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Mills, A.
Mills, T.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Moody, C. A.
Morgan, O.
Morris, D.
Mowbray, J. R.
Naas, Lord
Newdegate, C. N.
Nisbet, R. P.
Packe, C. W.
Pakenham, Col.
Palmer, R.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Pennant, hon. Col.
Pevensey, Visct.
Portman, hon. W. H. B.
Powell, F. S.
Power, N.
Pryse, E. L.
Pritchard, J.
Puller, C. W.
Ramsay, Sir A.
Raynham, Visct.
Repton, G. W. J.
Robertson, P. F.
Rushout, G.
Sclater, G.
Seymer, H. K.
Shirley, E. P.
Slaney, R. A.
Smith, rt. hon. R. V.
Smollett, A.
Spooner, R.
Stafford, A.
Stanley, Lord
Steel, J.
Stirling, W.
Steuart, A.
Taylor, Col.
Tempest, Lord A. V.
Thesiger, Sir F.
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Trueman, C.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Verney, Sir H.
Vivian, hon. J. C. W.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walter, J.
Warburton, G. D.
Warre, J. A.
Westhead, J. P. B.

White, H.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, M.
Willoughby, J. P.
Wise, J. A.
Wood, rt. hon. Sir C.

Woodd, B. T.
Wrightson, W. B.
Wyndham, W.
Yorke, hon. E. T.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

ELECTION EXPENSES BILL.

BILL WITHDRAWN.

Order for Second Reading read.

LORD ROBERT GROSVENOR regretted that the present Session was likely to be so short as to render further proceedings with Bills, like the one he had taken charge of, difficult on the part of private Members. The hon. Member for Finsbury (Mr. T. Duncombe) said Members were apt to forget their promises, and, perhaps, if this Bill were postponed, they might forget their election expenses, under which most of them were now smarting. It was not, however, his intention to divide the House on the present occasion. As one of those who acquiesced on a former occasion in the suggestion of the noble Lord at the head of the Government not to press forward during the present Session measures relating to the representation of the people, he could not, of course, ask the House to make his own particular measure an exception to the rule. He must observe, however, that there already had been a division of three to one in favour of the principle of his Bill; and he hoped the noble Lord would, when he considered the question of reform, take notice of the fact that the House was dissatisfied with the present state of election expenses, and that this feeling of dissatisfaction had also been expressed in the Report of an important Committee. It was his intention to pursue this question year by year, so long as he was honoured with the support of the House, for he was not one of those who thought the electors of England such babies as to be required to be wrapped up in swaddling clothes and carried to the hustings. He now moved that the Order for the second reading of the Election Expenses Bill be discharged.

MR. DU CANE said, he did not intend to propose his Amendment, that the Bill be read a second time that day six months; but, as a young Member, he hoped he might be permitted to say a few words with regard to it. The Bill would be a great hardship not only on the constituency he represented, but upon all other agricultural constituencies in the kingdom. It proposed, first, that all hustings and polling booths expenses should henceforth be paid out of the county and borough rates, and not out of the pocket of candidates; and, secondly, rendered illegal not only the payment of travelling expenses by a candidate, but also every provision for any sort of conveyance for electors. To both of these proposals he entertained the most serious objections. The hon. Member was frequently interrupted by cries of "Withdraw," and was at length obliged to give way to the sense of the House.

Order *discharged;* Bill *withdrawn.*

On the Motion of Mr. T. DUNCOMBE, the Order for the Second Reading of the Registration of Voters Bill was also discharged, and the Bill *withdrawn.*

House adjourned at half after Five o'clock.

HOUSE OF LORDS,

Thursday, June 11, 1857.

MINUTES.] *Took the Oaths.*—The Lord Londesborough; several Lords.

PUBLIC BILLS. — 1ª Joint-Stock Companies; Trustees Relief.

2ª Smoke Nuisance (Scotland) Abatement.

SMOKE NUISANCE (SCOTLAND) ABATEMENT—SECOND READING.

Order of the Day for the Second Reading, read.

LORD KINNAIRD, in moving the second reading of this Bill, said its provisions were mainly in accordance with the Act now in operation in the metropolis. He proposed to confine the operation of his measure to Scotland, in the hope that when its good effects had been manifested it would be adopted in other parts of the kingdom. No doubt, there were provisions in various local improvement Acts which gave power to abate the smoke nuisance, but they had been found inoperative. He knew of one case in which an inspector had been appointed for the purpose of carrying this provision into operation; but the people whose manufactories made all the smoke were the authorities before whom the complaint would have had to be laid, so that all he dared to do was occasionally to bring an information against some small delinquent, while the great offenders escaped altogether. The only objection which could be brought against the Bill was the expense of altering the furnaces which it compelled; but it had been found by experience that this was very small, while the saving in fuel and the increased steam power which was gained very soon repaid it all with good interest. In one establishment near London the consumption of coal had been reduced from 25 cwt. to 18 cwt. a day, and he knew of a colliery in Scotland where an alteration costing £88 had produced a saving of £300 a year. But, even supposing there was no saving, Parliament had yet a right to enforce these alterations for the sake of the towns which were afflicted with these smoke nuisances. He had left a blank in the Bill in which to insert the amount of population of which the towns should be to which the Bill should apply. Perhaps it would not be advisable to extend it to small towns and to villages. The machinery of the Bill was very simple, and he hoped their Lordships would give it a second reading.

Moved, That the Bill be now read 2ª.

LORD CAMPBELL said, that having had the honour of representing Edinburgh in several Parliaments, he took a deep interest in its affairs. One name for Edinburgh was "Modern Athens," and the other "Auld Reekie." The first name derived from the unexampled beauty of the buildings of the city; the second from the heavy clouds of smoke by which they were overwhelmed and obscured. There was no doubt that this Bill recommended itself by that of which his countrymen were very fond—economy—for smoke was the unignited part of the fuel, and was so much waste. He trusted that the Bill would pass both Houses of Parliament. Its working out might require a little vigour; but that was a secondary consideration. For his exertions on this subject he thought a debt of gratitude was due to the noble Lord the Chairman of Committees (Lord Redesdale), who would go down to posterity as the great smoke destroyer.

LORD RAVENSWORTH said, that any one standing on the high-level Bridge at Newcastle-on-Tyne must be perfectly amazed at the extent, the denseness, and the variety of the smoke which hung over the town. There was a clause in the Improvement Act of that town for putting down the nuisance; but it had been found inoperative for the reason stated by the noble Lord—the chief creators of the nuisance were the persons who appointed the inspectors and who would have to decide on any complaint which he might bring before them. There could be no doubt that in consequence of the measures which had been taken with regard to the consumption of smoke a great improvement had been effected in the atmosphere of this metropolis—so much so that at this season of the year the atmosphere of the metropolis was not much inferior to that of Paris. He trusted that the attention of the Government and the Legislature would be directed to the improvement of all the manufacturing districts in this respect, and that vigorous measures would be taken to suppress what was a serious and growing evil.

LORD REDESDALE regretted that the Bill did not apply to all parts of the United Kingdom. At the same time he thought the provision with regard to informations was defective. The duty of giving information devolved on three parties, and experience showed, that where three parties had to discharge a duty it was never well done.

Earl FITZWILLIAM, Lord KINNAIRD, and the Duke of RICHMOND, were understood, severally, to declare their approbation of the object of the Bill, and to suggest plans by which it might be enforced.

Motion *agreed to.*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House Tomorrow.

TRUSTEES RELIEF BILL.

BILL PRESENTED. FIRST READING.

LORD ST. LEONARDS rose to call the attention of their Lordships to one of the most important of the social questions that now occupied the attention of Parliament—he meant the state of the Law in Equity charging Trustees for Breaches of Trust; and to propose an Amendment of the Law for the Relief of Trustees acting *bonâ fide,* and without any Benefit to themselves. Her Majesty's Government, as the House was aware, had brought in a Bill to punish criminally fraudulent breaches of trust. To that it was impossible that any one could object; but the difficulty was in confining the measure to what were really fraudulent breaches of trust, and not comprehending ordinary breaches of trust which implied misapplication of money, and yet not such misapplication as ought to render a trustee criminally liable. He feared that if ordinary breaches of trust were to be made liable to criminal prosecution, and punishable with seven years' penal servitude, the only check being that the consent of the Attorney or Solicitor General was necessary to prosecution, the utmost difficulty would be experienced in getting men of character and station to act in the capacity of trustees. He begged the House to reflect that the present moment, when acts of undoubtedly great misconduct had excited public animadversion, was not the best time for legislating upon the subject. Any measure affecting the position of trustees should be carefully considered, and when the noble and learned Lord on the woolsack announced, on the part of the Government, their intention to introduce a Bill for the punishment of fraudulent breaches of trust, he (Lord St. Leonards) suggested that means should be adopted to protect trustees acting *bonâ fide* from the hard measure of justice which was now meted out to them by the courts of equity. His noble and learned Friend had expressed an opinion that it would be impossible to frame a measure which would have that end; but though he (Lord St. Leonards) knew the difficulty of such a measure he believed it to be possible, and therefore had prepared a Bill which he proposed to submit to their Lordships' consideration. Trusts were of various kinds, and nothing was more easy than for a trustee to be guilty of a breach of trust without any improper intention; indeed, perhaps nine-tenths of the breaches of trust that were committed arose from a compliance by the trustee with the wishes of those for whose benefit he was appointed to the office. In many cases the trustee had either to commit the error, or expose himself to the illfeeling and reproach of a family whose goodwill he would be desirous of preserving. Strictly speaking, these were breaches of trust, but they were wholly void of evil intention. Frequently the *cestuis que trust,* after conniving at the breach themselves, enforced the trust. Then, again, in many cases a trustee received money for which there was no immediate investment, and for safety he paid it into his own account at his banker's, which was unquestionably an improper proceeding. Those acts, however, were continually done, and he believed that solicitors who received monies for their clients paid those monies into their general account at their banker's.

These were, strictly speaking, breaches of trust. There might be cases of this kind in which the trustees overdrew the amount of their accounts, and for so doing might, under the new Bill, run the risk of criminal prosecution. While he approved highly of any attempt to punish fraudulent breaches of trust, he repeated his belief that it was absolutely necessary to guard against any oppression upon trustees who performed their duties in good faith. One plan of reconciling the law as it stood with the object sought to be attained by the new Bill was, that trustees should be paid for their labour; but to that proposition he was decidedly opposed. Another proposition was made when the South Sea Company came to an end, that a Trustee and Executor Society should be established. He had the satisfaction of aiding in the rejection of that measure. Afterwards a private company brought in a Bill with a similar object, which was also rejected; and recently another company had been started to act as trustees and executors upon limited liability. When their Lordships remembered what had happened in the Tipperary Bank, and more recently in the Great Northern Railway, where a clerk with £200 salary had lived, to the knowledge of his employers, like a Prince, but who was finally found to have defrauded them of £220,000, he would ask what greater safety could there be to the *cestuis que trust* relying upon a public company, than in the case of private trustees? The office of trustee was a sacred and private one, and could not properly be made a trade of; but to this it must come, if the law was not put upon a proper footing as regarded upright trustees, because the inevitable result would be that no man would become a trustee or an executor. The Government, if they dealt with it at all, should have taken up the whole question, for the protection of honest trustees was as important as the punishment of fraudulent trustees. He would now briefly state what were the provisions which he proposed to insert in the Bill that he was about to lay upon the table. In the first place, he intended to protect trustees as to certain acts of omission or commission, into which, without any ill intention, trustees might often be betrayed. It had been decided that when a trustee innocently committed a breach of trust without any possible benefit to himself, and in the result there was both a profit and a loss, he was not at liberty to set the one against the other, but the persons beneficially interested were allowed to pocket all the profit of the transaction, and to call upon the trustee to bear all the loss. He might mention a case to their Lordships. A gentleman residing in the East Indies advanced £2,000 upon loan to the East India Company. It bore interest at the rate of 10 per cent, and the Company were not bound to pay it off until the expiration of ten years. The gentleman received the interest himself while he remained in India, and upon his return home desired it to be forwarded to him in London. He made his will, directing all his property to be converted into money, and the money to be invested. The interest he gave to his wife during her life, and then his whole capital was to go to another lady. Upon his death the trustee found the paper of the Company for the £2,000, and ascertained that the interest had been regularly sent to London. Their Lordships would observe that the capital could not be damaged, because it was to be paid off at the end of ten years. Well, the testator himself having received the interest, the trustee very innocently paid the 10 per cent to the widow during her life, and then the person entitled to the remainder, never having once objected, filed a bill against the trustee, who had not obtained the slightest personal benefit, calling upon him to repay what he had overpayed to the widow, who ought not to have received 10 per cent, because, although he could not have called in the capital of the loan, he ought to have sold it. The demand was made good against him by the Court. It turned out, however, that in consequence of the funds having fallen at the time when the loan was paid off, a profit of £800 was made by the investment; in other words, if the trustee had sold the claim upon the Company at the death of the testator and then invested the money, as it was contended successfully he ought to have done, it would have brought £800 less. But it was held that he could not set the profit off against the loss; and the result was, that he was compelled to repay the interest which he had overpaid to the widow, amounting to a sum of £1,000 or £1,100, without being allowed to take the benefit of one farthing of the £800 which he had gained by the delay in realizing the capital. Now, the first clause of his Bill met that case, for it provided, that if a trustee in the execution of his trust should innocently do an act which might be technically a breach of trust upon which there should be a loss, but upon which there should also be a gain, he should be allowed to set the one off against the other. The second clause had reference to a different point. Where a trustee was directed to convert leaseholds, for example, to invest the money in three per cents, and to pay the dividends to the tenant for life; but, instead of doing so, allowed the tenant for life to enjoy the property unconverted, he was liable for all the rents which were received by the tenant for life beyond the amount of the 3 per cent dividend. He held, however, that it was the bounden duty of the person entitled to the remainder to look after the execution of the trust and the investment of the money. The second clause, therefore, provided that, if a trustee should innocently make an overpayment, the person in remainder, if he was aware of the overpayment and had not objected to it, should not be at liberty to allow the trustee to pay his father or mother, perhaps, more than he ought; and then upon the death of the tenant for life to compel him to repay the excess. The clause went further. It had been held, that where a trustee had innocently paid too much to the tenant for life, and then been obliged to repay the difference to the person in remainder, he was not entitled to proceed against the person to whom he had made the overpayment in order to recover what he had overpaid. Now, that was a defect in the existing law; for, although it would, no doubt, be a great hardship to tell a lady after she had innocently received for a number of years more than ought to have been paid to her, that she was liable to be proceeded against for the excess, yet their Lordships would see that there were two innocent parties, and that while the one had enjoyed the money, the other had not. It appeared to him that the person who ought to make the repayment was the one who had received the money, and therefore he had inserted a provision to that effect in his second clause. The third clause was a very simple one. Trustees were often required to do certain acts under powers of attorney granted by persons residing abroad, and the object of his third clause was to provide, that a trustee so acting should not be responsible for what he might do after the death of the person granting the power of attorney, if he was not aware that the party had died at the time. The next provision had reference to the investment of trust money. It frequently happened that trustees were forced to change investments by their *cestuis que trust* who desired to increase their incomes; but it had been decided that a trustee was not justified in doing an act which might turn out to be not strictly regular, although he might have taken the opinion of the highest counsel at the bar and acted upon it. He proposed, therefore, that if a trustee took the opinion of a Queen's Counsel, and gave notice to the parties interested of his intention to invest in a particular way, he should be indemnified for the act. He named Queen's Counsel simply because they must have attained a certain reputation and considerable standing at the bar. So much for errors of commission. He would now state how he proposed to deal with those of omission. A trustee was often bound by the rule of equity to do an act—for example, to convert property. He proposed that when there was no direction, and the trustee innocently and without fraud—without any benefit to himself, directly or indirectly—did not do the act, he should be protected; because the person beneficially entitled, though only in remainder, ought to look after the property, and by his vigilance protect an honest trustee. Nothing could be more dishonest than for a person to lie by, or appear to acquiesce, and then to seek to take advantage of an omission. Trustees and executors were bound to sue for debts, and there were many very hard cases in which they had been made responsible for debts which they had not sued for, because they believed the amounts could not be recovered. He proposed to protect trustees and executors against that responsibility, if the Court did not see reasonable ground for believing that the whole, or a substantial part of the amount, might have been recovered. There were cases, also, of executors being made responsible for not calling in money on bond which the testator had lent, and had not directed by his will to be called in. If the testator meant it should be called in, he should say so; and in those cases he proposed to relieve the trustee from responsibility, unless a change of circumstances within his knowledge rendered it imperative that he should call it in. Again, if an executor filed a bill in the Court of Chancery for administration, a day was named before which creditors must come in or be excluded from the benefit of the decree. The creditors who did come in and the legatees were paid, and the residue was divided, and the executor was protected against the claim of any creditor who failed to show his claim in time. But if, to save the expense of a Chancery suit, an executor took precisely the same course without the authority of the Court, he was still liable, after honestly distributing the funds, to be sued by creditors who took no notice of his advertisement to come in by a certain day and prove their debts; the notice to the creditors was entirely inoperative, and did not enable the executors to distribute the surplus funds to the legatees. This led to the necessity of a resort to Chancery, without any real reason. He proposed, where an executor took the same steps to ascertain the creditors which the Court itself would take if a Bill were filed, to protect him against the claim of any creditor who had not come in. It would not have the effect of barring the claim of such creditors; but, instead of going against the executor, they would have to go against the persons who had received the residue. Another grievance was, that persons parting with leases remained liable for the covenants; and this liability attached to executors. It constantly happened that executors of leasehold estates were obliged to seek the protection of the Court of Chancery against liability upon rents and covenants, and the Court was in the habit of ordering a sufficient portion of personal estate to be put by in order to answer possible future demands. Anything more unreasonable could not be imagined; and, as it prevented the distribution of estates, he proposed, that where all rents had been paid and covenants performed, and where any precise sum to be laid out at a future time had been provided for, the trustee should not, after assignment to a purchaser, be held responsible; leaving the lessor, of course, his remedy against the assignee. He also proposed to give trustees a summary right by petition, without rendering it necessary to file bills, to obtain the opinion of the Court of Chancery upon any point which might arise in the administration of the trust estate. This would be a great benefit to trustees, and, by substituting a cheap and simple process of determining questions, prevent the necessity of expensive suits. These were the chief provisions of the Bill which he sought to introduce, and to the consideration of which, he invited their Lordships' assistance.

Bill for the better Protection of Trustees, Executors, and Administrators, acting *bonâ fide* in the Discharge of their Office, *presented.*

LORD BROUGHAM said, their Lordships were much indebted to his noble and learned Friend for the clear manner in which he had explained the objects and provisions of the measure he had introduced. He (Lord Brougham) was not prepared at once to enter upon so very important and in many respects so difficult a subject as the details of the proposed Bill; but he would give his best attention to them, and doubtless some difficulties which now occurred to him might be removed. He rejoiced to believe that the present movement in legislation was likely to result in removing what he had long regarded as one of the greatest blots on our law — that was to say, that peculiarity of the law of England — for it was unknown to the law of Scotland — by which a breach of trust, instead of being an aggravation of the offence of the person who appropriates the trust property of others to his own use, was actually made a complete defence, and converted the wrongful act of the trustee into a mere civil debt—he was merely liable to an action for debt for the recovery of the money which he had appropriated, or rather to a suit in equity. He remembered a remarkable instance—and he was sorry to say it was by no means a solitary one—in which that defect of the law was brought under public notice; and he (Lord Brougham) had formerly cited it to their Lordships to show the necessity of a change in the law. A gentleman—he grieved to say a member of the same profession as himself, and he grieved also to say a gentleman of very high repute in that profession—having been the guardian of two infants—young women—embezzled — he (Lord Brougham) could call it nothing else, though the law of England did not so call it—but he would say, using the language of the law, "appropriated" the moneys of those wards of whom he was the guardian to his own use, though, using the language of common sense, and that in which human feelings would naturally find vent, it would certainly be more true to say that he robbed them; and then died insolvent, leaving those unfortunate young persons on the parish. Had he lived he would have been dispunishable, and his unfortunate wards would have had no remedy, for what would have been the use of bringing an action against an insolvent? He was only regarded in equity as an equitable debtor, instead of being, as he was in the eye of common sense, a felon, and well deserving of punishment. This was not the only instance of that kind which had come under his (Lord Brougham's) notice. He happened on one occasion to mention the case he had just been relating to the House to a learned Friend of his who had been Attorney General in the sister kingdom, and who thereupon stated the case of a man in a still higher degree of professional rank, whose reputation was stained by the same felonious conduct. A Judge in the sister kingdom performed the same act of robbery, as he (Lord Brougham) called it, and his infant wards were sacrificed. He was decidedly of opinion with his noble and learned Friend (Lord St. Leonards) that it was not desirable to legislate for particular cases. The tendency of that was possibly to interfere where we ought not, and it also had this bad tendency, that we were apt to take a one-sided view and regard the question only in that light, and therefore our legislation was likely to be imperfect. He felt this so strongly that in his communication with the Law Amendment Society, which gave rise to the present legislation on this subject, a committee having been appointed to inquire into it, he had warned them against giving way to the feelings under which they were then acting. The truth, however, was, that the agitation on the question did not arise in consequence of the recent cases of breach of trust. During a long period similar complaints had been made, and their efforts were directed against an evil in our legal system, although it was very probable that those efforts might have been hastened in consequence of the circumstances which had recently occurred in the commercial world. The whole subject had been investigated by the committee, and the result of their labours was to show conclusively that it was absolutely necessary some measure should be passed in order to put a stop to the enormous number of breaches of trust which were committed principally in reference to the property of persons in the poorer ranks of life, because in general the more wealthy classes obtained ample assistance from legal advice. He understood the confident belief was entertained, that no less than one-twentieth part of the trust funds in this country were embezzled. He thought the prudent course to take in dealing with such a subject was, not to go too far and attempt to throw their net over all breaches of trust, but to satisfy themselves in the first instance by extending what was commonly called the Bankers Act to all persons in similar circumstances, such as attorneys, stewards, and paid agents—all persons, in fact, who might be said to stand in relation of trustee to parties beneficially interested in trust funds, and to make their malversation an offence punishable as a misdemeanour. By that he meant not merely their misappropriation of trust funds, but their appropriation of them for their own use and behoof, so that they should be practically and substantially gainers by the offence. He would also apply that rule to all directors of companies committing a breach of trust either for their own benefit or the benefit of those with whom they were associated in such companies, and that they should be liable for such a breach of trust as for a criminal offence. He believed some sort of procedure such as he had indicated was highly expedient. It would certainly tend to make our law more conformable not only to the laws of other countries, but also to reason and justice, and at the same time would not deter persons from accepting the responsibility of trustees. He might say, he had not taken up this subject on the spur of the moment. His mind had been attracted to its consideration long before those unhappy bank failures which had roused—and deservedly roused—the popular indignation; and it had also been under the notice of the Law Amendment Society. The law of other countries—that of Scotland, certainly — proceeded upon sounder principles, for it regarded breach of trust as an aggravation, and not a defence. In Scotland the indictment proceeded in a regular syllogistic form. The major proposition was, that in all countries theft was a punishable offence, and the minor proposition that a fraudulent breach of trust was a theft; therefore you, John Campbell, (said the noble and learned Lord, turning to Lord Campbell) having committed a fraudulent breach of trust, are liable to be punished. That grievous anomaly between the law of Scotland and that of England was happily doomed in one way or another, and there was now no chance of its long surviving. In his opinion, any measure which tended to prevent respectable persons from undertaking the office of trustee would be fraught with very great mischief. He was inclined to think that the best course would be to devise some means for the payment of trustees appointed by the State and responsible as such, so that there might be official trustees as there are official assignees, but with this difference, that any one might prefer having trustees of his own appointment.

Lord CAMPBELL said, he thought their Lordships were greatly indebted to his noble and learned Friend (Lord St. Leonards) for having directed his attention to this important subject; and, indeed, considering his noble and learned Friend's profound knowledge of equity and questions affecting real estate, he was rather surprised they had not had a measure from him on the subject before. In his (Lord Campbell's) opinion, this measure was a proper accompaniment of the penal Bill which had been introduced in the other House. It was most desirable that trustees who acted honestly should be protected, while those who were guilty of fraud should be subjected to severe punishment. Not being familiar with the proceedings in Courts of Equity, he had been quite horrified to learn in what manner trustees were dealt with in those courts. He could assure their Lordships that no such iniquities were perpetrated in the Courts of Common Law. The *status* of trustees would undoubtedly be much improved by this Bill; but he thought that, in its present form, the measure would sometimes operate with great injustice in the case of the *cestuisqui trustent* and other persons beneficially interested. If, as in the instance given by the noble and learned Lord, a trustee were empowered to pay a widow a certain annuity, and he paid her half as much more as she was entitled to receive, which she expended for the benefit of the children who were the persons interested after her, he would have no remedy under the existing law; but the noble and learned Lord proposed to enable the trustee to recover the overpayment or to deduct it from the annuity. He (Lord Campbell) thought, however, that the trustee would not be quite blameless, because it was the duty of persons who undertook the responsible office of trustees to ascertain carefully what payments they were called upon and empowered to make. He trusted his noble and learned Friend would reconsider this subject, and would in such cases allow the loss to fall upon the negligent trustees.

The LORD CHANCELLOR said, he wished to guard himself from being understood as giving any decided opinion on the Bill at the present moment. It was exceedingly difficult to understand a measure of this description, even if it were placed in their hands to read, but it was impossible that any one could have followed his noble and learned Friend through all the details into which he had entered. It struck him, however, that his noble and learned Friend was attempting to attain an object which was impracticable. The noble and learned Lord's object, as he understood it, was to protect innocent trustees against punishment for breaches of trust. If the rules which regulated the conduct of trustees operated harshly they should be altered by the Legislature; but they could not leave the law as it now stood, and say it was the duty of trustees to follow a certain course while they gave legislative protection to trustees who did not pursue that course. The Legislature ought to define the duties of trustees, who, if they discharged those duties, would, of course, be exempt from all responsibility. If, however, they did not perform their duties, he did not see why they should be relieved from responsibility. He was far from saying that the rules by which the conduct of trustees was regulated might not in some instances be too harsh; but if that were the case those rules ought to be relaxed. He did not see how they could leave the rules as they were, and yet absolve trustees from the consequences of their negligence. He hoped, however, that their Lordships would read the Bill a first time; and the most convenient course would be to postpone its further progress until the measure relating to the same subject now pending in the other House came before their Lordships, when the provisions of the two Bills could be considered together. It had been suggested by one of his noble and learned Friends that it was not politic to legislate upon this subject while the public mind was so much excited by the recent defalcations; but he could assure his noble Friend that the Bill which had been introduced into the other House was not the mere consequence of the events of the last year. That measure, although not actually matured, was put in train last year; but recent events had shown the urgent necessity of legislation on the subject; and, although there were numerous difficulties connected both with the measure of his noble and learned Friend and that now before the other House, he thought Parliament ought not to shrink from grappling with those difficulties.

Lord LIFFORD suggested that some

means should be adopted for obviating the necessity to which trustees were constantly reduced of resorting to the Court of Chancery, and subjecting trust property to what he must call the legal robbery of that court. ["Hear, hear!"] The expression was certainly a strong one, but he thought very few of their Lordships could be acquainted with the iniquities of the Court of Chancery. Indeed, they might as well expect the Emperor of Russia to be acquainted with the iniquities perpetrated by custom-house officers in the remotest corners of his dominions as to expect that the Lord Chancellor should be cognizant of, or should be able to prevent, the robberies of the Court of Chancery. He could, however, assure their Lordships that the Court of Chancery gave facilities for the commission of frauds in relation to trust matters of which he was quite sure his noble and learned Friend was utterly ignorant. The noble Lord proceeded to complain that the delays in proceedings before the Judges' clerks were quite as great as those formerly experienced in the Masters' offices, and concluded by asking the noble and learned Lord on the woolsack whether it was intended to expedite the business in the Judges' chambers by giving additional clerks to the Vice Chancellors and the Master of the Rolls?

THE LORD CHANCELLOR protested against the remarks of the noble Lord relative to the Court of Chancery, and said that in all cases of similar complaint that had come under his notice, he had found after investigation that the delays arose on the part of the advisers of the suitors not moving in the causes, and not from any impediments thrown in the way by the courts or their officers. He could not say if it was the intention of the Government to increase the number of officers in the Vice Chancellors' or the Masters of the Rolls' chambers, because he had not sufficiently investigated the subject—but he was told that the same delay did not arise in the former as in the Masters' offices. It was preposterous to compare the present state of things with what existed formerly. He had, however, been told that a delay of a week or a fortnight now occurred at the Vice Chancellor's chambers before an appointment could be obtained after a judgment, and he had in consequence consulted all the officials relative to the amount of business at each of the chambers, the hours at which they attended, and the course pursued, and he had asked them if the delays arose from anything that required alteration, to which he had received answers not entirely to his satisfaction, but which led strongly to the conclusion that the complaints made, though not unfounded, were greatly exaggerated. Business, however, was increasing so rapidly, that he believed it would be found necessary to increase the staffs of those Judges. With regard to the Accountant General's office, he found it was necessary to make an increase there, and it was now being done, if not actually carried out—namely, the addition of one clerk in each department in the Accountant General's office, which he was assured would be found sufficient for the work to be performed. If the same delays occurred at the chambers of the common law Judges, arising from an increase of business, it would be necessary to increase the staff there also. Suitors ought to be able to obtain their appointments at a day's notice, or no notice at all, after the Courts had decided on the cases.

Bill read 1^a.

House adjourned at a quarter past Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 11, 1857.

MINUTES.] PUBLIC BILLS. — 1° Vaccination; Turnpike Trusts Arrangements.
2° Sound Dues; Militia (Ireland) Act (1854) Amendment.

THE INDIAN ARMY.—QUESTION.

MR. RICH asked the President of the Board of Control whether since the passing of the Act. 16 & 17 *Vict.* c. 95, any measures have been taken for increasing the European officers in the Sepoy regiments, for checking the drain of the number of regimental officers to civil employments, and for otherwise securing the constant presence, with their regiments, of a greater number of European officers than at the time of the passing of that Act appeared to be the practice in the Indian Army. Also, whether any measures have been taken for raising the general condition of the Native officers, and for opening promotion to the rank of Native officer at a shorter term than the twenty or thirty years of previous service by which it then appeared ordinarily to be obtained.

MR. VERNON SMITH said, he would state, in answer to the question of the hon. Gentleman, that since the passing of the Act, which he had referred to, one captain and one lieutenant had been added to each Sepoy regiment, both of infantry and cavalry, and two captains and two lieutenants to each European regiment of infantry. With respect to the checking the drain of regimental officers to civil employments, he could only say that the Court of Directors had now under their consideration a despatch, which would be submitted to the notice of the Board of Control, placing the state of things in regard to that point upon a better footing, by equalizing the advantages to officers remaining in the regiments with those which a withdrawal from them presented. At the same time, the subject was one which required a great deal of consideration. He might further add that, in accordance with a recent regulation, the officers in the Queen's regiments were competent to obtain staff employment, and that as a consequence the number of Company's officers required for that purpose would be diminished. Respecting his hon. Friend's second question, he was not aware that any measures had been taken with the view of raising the general condition of Native officers, nor did he know that any complaints had been made upon the subject. Nothing had been done in reference to the question of opening promotion to the rank of Native officer at a shorter period than the ordinary term of twenty or thirty years, and he might also remind the hon. Gentleman that the service in India was one in which the system of promotion by seniority prevailed. In the Presidency of Bombay, it was true, promotions from the ranks to some extent took place on the ground of merit, and it certainly might become a matter for consideration how far it would be expedient to extend that system to the other Presidencies. As the question of the hon. Gentleman might have been dictated by the unfortunate occurrences which had recently taken place in India, it might possibly be desirable that he (Mr. Vernon Smith) should state that those occurrences, so far as he was aware, were in no way to be attributed to the absence of the officers from their regiments. He should add the expression of a hope that the public would be under no alarm upon that subject, as, owing to the promptitude and vigour which had been displayed by his noble Friend Lord Canning, and the excellent demonstrations which had been made upon the occasion of the disbandment of the 19th Regiment by General Hearsey, as well as the eloquent and stirring speech to which that gallant officer had then given utterance, and which, as a sample of military eloquence, he would advise every one to read, the late disaffection among the troops in India had been put an end to, and he felt quite sure any such occurrence would in future be put an end to by the exhibition of the same promptitude and the same vigour as that to which he had just referred.

MR. RICH said, he trusted he might be allowed to ask whether the increase of the number of officers in the Sepoy regiments had taken place irrespective of the increase in the number of men? He had been induced to put his questions quite independently of recent events in India.

MR. VERNON SMITH said, he considered that he had already answered that question in the affirmative on a previous occasion.

CIVIL SERVICE ESTIMATES—NOTICE.

MR. WILSON said, he would now beg to give notice that it was his intention to move to-morrow night the Civil Service Estimates as soon as the Chairman of Ways and Means took the chair in Committee of Supply. He proposed, then, to make a general statement in reference to the large increase of charges which had taken place within the last five or six years in connection with those Estimates, in order to afford the House ample opportunity for discussing a question in which it was evident the public had of late taken much interest. He thought it would be better to take the course which he had indicated than to leave the question to be dealt with in a desultory discussion upon each Vote as it arose.

MR. HENLEY said, he wished to know whether he understood that the Secretary of the Treasury intended to bring on a general discussion of the Civil Service Estimates, because a portion of the Civil Estimates were only delivered that morning, and the House would scarcely be ready to-morrow to go into a general discussion of those Estimates?

MR. WILSON said, that his intention was, on going into Committee of Supply when the Chairman of Ways and Means was in the chair, to make a general statement, not having reference to the Estimates of the present year, but to the great increase which had taken place in those Estimates from 1852 to 1856, including those of the present year. Six numbers of those Estimates were now in the hands of Members, but the seventh, which contained the accidental and occasional charges of the year, would not be ready for some time.

MR. DISRAELI: I should like to know, Sir, whether the hon. Member intends, when the House is in Committee of Supply, to go into the Civil Estimates or not?

MR. WILSON: Yes, certainly. After any remarks which hon. Members may make, I shall propose the first Vote in the Civil Service Estimates.

THE CHANCELLOR OF THE EXCHEQUER: What my hon. Friend proposes is, in moving the first Resolution in Committee of Supply, to make a statement of the causes and nature of the increase that has taken place of late years in the total amount of the Miscellaneous or Civil Service Estimates, with a view, not of giving a general view of all the particular Votes, but of stating the nature of the augmentations which have taken place of late years in the Civil Estimates.

SIR HENRY WILLOUGHBY said, he wished to ask the right hon. Gentleman in the Chair whether the Secretary to the Treasury would be in order in taking a general discussion on a single Vote? He had been himself called to order on a similar occasion, and told that he must confine himself to the particular subject under discussion on the Vote before the House.

MR. SPEAKER: In answer to the question of the hon. Member, I conceive that if the Secretary to the Treasury explains, for the convenience of the House and for the general information of Members, the foundation on which these Votes are offered to the House he will not be out of order in so doing.

THE CHANCELLOR OF THE EXCHEQUER said, that as his noble Friend at the head of the Government would not be in his place to-night, the Report on the Committee of Supply would not be brought up that evening. There were several Notices of Motion on the Report, and it would therefore be postponed until tomorrow.

MR. HENLEY: At what time will the Report be taken?

THE CHANCELLOR OF THE EXCHEQUER: After the Committee of Supply on the Civil Service Estimates.

SIR FRANCIS BARING: In consequence of what has fallen from the hon. Gentleman the Secretary to the Treasury, I beg leave to give notice that upon the Motion for going into Committee upon the Civil Service Estimates I propose to call the attention of the House to the expenditure in connection with the Parks, without a Vote of Parliament.

DUCHY OF LANCASTER.

RETURNS MOVED FOR.

MR. WISE rose to call the attention of the House to the accounts of the Duchy of Lancaster presented to Parliament in pursuance of the Act 1 & 2 *Vict.* c. 101, and to move an Address for a Return of all Manors and Estates now belonging to the Crown in right of the Duchy of Lancaster; of all Sales, Grants, and Enfranchisements which have taken place since 1838; of the purchases and exchanges of Land which have been made since the same period, and the date and terms of all existing Leases of the Lands, Mines, and Rents of the said Duchy. The hon. Gentleman said, that his Motion was totally disconnected from that of any other hon. Member's with reference to the Duchy of Lancaster. His Motion referred to a subject in which he had taken a great interest for many years. So far back as the year 1854 he had moved for certain returns with reference to the question, when he was met by a right hon. Gentleman below him, with a declaration that the Motion referred so much to what concerned private rights and private property, that he might as well ask for returns with respect to the rental of any hon. Gentleman in that House. Indeed, having since thought a good deal over the subject, he had come to the conclusion that this was a doctrine put forward by the Government as it suited their convenience. When Parliament wanted anything of the Duchy, the property was always private; but when the Duchy wanted anything of Parliament, it was invariably public. It appeared, however, that Parliament had dealt with this property from time to time. He found, on looking into the history of the Duchy, that the first Duke of Lancaster, Henry IV., on his ascent to the throne, believing his position rather slippery, was obliged to come to Parliament to ask for a severance of these estates from the Crown lands. Henry V. followed the same course, and added to the Duchy the property of his mother, which was considerable. Things went on in that way up to the time of Edward IV., but he having no sympathy with the House of Lancaster, sequestered the estates, and added them to the revenue of the Crown. However, Henry VII. once more came to Parliament and severed the Duchy from the Crown. Singularly enough, Oliver Cromwell was the last who dealt with the revenues of the Duchy, for owing to the death of Charles I., the estates became national property. In his latter days, Oliver Cromwell, having an eye to making a promotion for some of his family, had once more severed the Duchy from the national property. Charles II. had not attempted to alter the settlement, and so things had remained down to the present day, with the distinction, that scarcely a reign passed in which the House of Commons had not limited the estates of the Duchy. He would show what Parliament had done with reference to the Duchy. And first let him call the attention of the House to a Bill that had been introduced by persons no less distinguished than Lord John Cavendish, Burke, and Fox, which might show the feeling of the then House of Commons and be a guide to the present House. This was a Bill—

> " For uniting to the Crown the Duchy and County Palatine of Lancaster, for the suppression of unnecessary offices, now belonging thereto; for the ascertainment and security of tenant and other rights, and for the sale of all rents, lands, tenements, and hereditaments, and forests, within the said Duchy and County Palatine, or either of them, and for applying the produce thereof to the public service."

This took place in the reign of George III. and in an unreformed Parliament. He would quote one more authority. A distinguished orator of that House, who afterwards became Lord Chancellor, used these expressions in 1837:—

> " It never surely can be contended that the revenues of the two Duchies are private property, or anything like private property. I should like to hear such a proposition advanced in this age. I should like to see the man endued with courage to maintain it. I should like to see the man, whether on the Ministerial or Opposition benches, gifted with the confidence which must be exhibited by him, who would affirm that Cornwall and Lancaster are private and personal property, and not public funds vested in the Sovereign, only as such; enjoyed as Sovereign, and in right of the Crown alone; held as public property for the benefit of the State, and as a parcel of the national possessions."—[3 *Hansard*, xxxix. 1356.]

These were the opinions of Lord Brougham, who, he rejoiced, had returned to this country in health and strength, and would, he hoped, advocate views similar to those that he had previously expressed. The next stage in the history of this property was the passing of an Act requiring the accounts of the Duchy to be laid on the table every year. This clearly showed that the House intended it to be regarded as public property, and that its affairs should be subjected, if necessary, to the criticism and interference of Parliament. It might appear a fruitless and even a quixotic undertaking for an humble private Member like himself to suggest reforms in such a venerable institution. Still, knowing what he did of the state of the property of the Duchy in different counties in England, of the forests of Needwood and Pickering, and the mines of Staffordshire, he thought that he was bound to state the facts, and to call on the officers of the Duchy to do their duty, not only to the State, but the Sovereign they represented. He approached the subject in no captious or fault-finding spirit. He had the advantage of the Duchy at heart; he desired to see its revenues better managed, and Her Majesty receiving more of them. He wished to expose a mediæval system, and to prune what he could only term a cumbrous Gothic establishment. The accounts on the table proved that the revenues of the Duchy scarcely more than nominally belonged to the Royal Lady who claimed them. The burden upon the estate was almost as great as the return derived from it, its income being nearly all eaten up by idle or useless functionaries. In a recent debate great stress was laid on the fact that the Sovereign was in the receipt of the revenues of the Duchy of Lancaster; but if hon. Gentlemen believed that Her Majesty reaped the benefit of this property, they did her very great injustice, because, while this valuable estate, scattered over twenty counties of England, together with the woods of Pickering and Needwood, and the coal-fields of Staffordshire, undoubtedly yielded a large revenue, that revenue, as far as Her Majesty was concerned, was chiefly a revenue on paper, and never entered the privy purse. No one was more truly beloved and esteemed in that House than the Chancellor of this Duchy; and if his office were abolished, he (Mr. Wise) should be glad to see the talents of its occupant employed in some position worthier of them, whether as a Minister of Justice, or as a Secretary of State. He therefore begged the right hon. Gentleman (Mr. Baines) to understand that he entirely excluded him from the observations he was about to make. He would commence with the revenue and expenditure of the Duchy within the present reign. During the last nineteen years the total income had been £722,960, of which the privy purse had received but £251,000. Thus, the out-goings were £471,960; or, in other words, the average income was £38,000 per annum, of which the privy purse received but £13,000. Last year the accounts presented a somewhat more favourable appearance, because the revenues were £41,048, of which the privy purse derived £20,000; but the expenditure, even in 1856, was out of all proportion to what any ordinary proprietor would expect upon his own property. In fact, these accounts developed a system which, in 1780, Mr. Burke characterized as exhibiting "the apparatus of a kingdom for the management of a few private estates, and the formality and charge of the Exchequer of Great Britain for collecting the rents of a country squire." The establishment consisted of sixty persons, receiving salaries amounting to £8527 a year. There was the Chancellor of the Duchy, with a salary of £2,000 a year. That office had been in existence since the time of Henry IV., when the Palatinate was erected into a little kingdom; when the Chancellor had to hear appeals and had to perform very different functions from those devolving on him now. Indeed, in 1809, Mr. Perceval, who was First Lord of the Treasury and Chancellor of the Exchequer, also held the office of Chancellor of the Duchy of Lancaster, and this showed that the duties of the latter office were not very onerous. Then there was a Vice Chancellor, with £600 a year. He was told that the Vice Chancellor discharged duties which were beneficial to the people of Lancashire; that he heard equity cases in the county, and so saved expense to the people of Lancashire. If that was so he should be sorry to abolish the office, but still he thought it was undesirable to keep up these separate and special jurisdictions in particular counties. Then there was the Receiver General, with a salary of £878 a year. As he (Mr. Wise) knew that he had little or nothing to do, as the rents and profits of the Duchy were all paid into the bank of Messrs. Coutts and Co., who acted practically as receiver general of the estate, he thought that office was quite unnecessary, it being, in fact, a nice little sinecure. Then there was an auditor, at £200 a year, and a clerk, registrar, and secretary, at a salary of £1,342 a year; but of him he made no complaint, as, in point of fact, he did all the work, and, probably, he was the officer who ought to be retained to discharge all the duty. Then there were four clerks in his office, with salaries amounting in the aggregate to £1,310 a year; a solicitor, with £300 a year; a surveyor, with £500, and who had numerous deputies under him. Then there were two Attorney Generals, one for the County Palatine and another for the Duchy of Lancaster. There were fifteen receivers and twenty-three stewards. He would not enter into all the "difficult trifles and laborious fooleries" connected with these various offices; but the other charges upon the estate were—donations, £1,613 a year; law charges, £335; surveying, £540; annuities, £903; and sundries—a most convenient item—£1,873. The law expenses of the Duchy in the last nineteen years had been £20,870. There were one acting and two retired Auditors, whose salaries were £200 and £400 a year respectively. It might be said that the nature of the property required this vast establishment, and no doubt it was to some extent true, inasmuch as property lay in several counties, in one of which the rent receivable was 6*s*. 8*d*., in another £1, in another £72, and in another £78, and so on; so that if surveyors and receivers travelled about to collect these important items, it must be a heavy charge. Constant applications were made from the clergy of the several counties for subscriptions to their churches, schools, and other charities; and in many instances the sum paid in donations exceeded the whole amount of the income. He now came to the woods of the Duchy. He resided not far from one, and was acquainted with its recesses; but he had not been able to dive into the mysterious recesses of the Duchy itself. Taking an average of fourteen years, the timber of the Forest of Needwood (as we understood) had been sold for £11,893, the labour of cutting, &c., being £9,959. The balance left, after payment of the expenses, was therefore very small. The case of the Forest of Pickering, in Yorkshire, was very similar. The produce of the Pickering Forest, in Yorkshire, on an average of eleven years, was £7,511; the cost for labour being £4,814. He confessed, however, that when he looked into the general accounts of the nation he was not surprised at all this; for he found that in the department of Woods and Forests in 1856, the produce of the property was £77,118, while the expenses of the department amounted to £39,335. At Windsor the proportion was remarkable, for the produce was £5,744, while the cost was £18,459. Then there was attached to the Duchy of Lancaster a variety of strange and unnecessary offices—for instance, there was the dignified and important office of Axe-bearer, with a salary of £200 a year, which was generally discharged by a peer, and who had certain privileges in the Forest of Needwood with regard to the game. If the game was kept for the pleasure or enjoyment of the Royal Family he (Mr. Wise) should not say a word about the matter, but in fact it was kept up for the amusement of the neighbouring gentry, and the friends of the Axe-bearer. Last year the game cost £496, while the food and management during five years had cost £1,113, not including salaries. He was astonished at there being any charge for game at all. He (Mr. Wise) was something of an antiquarian, and he had read that the tenants of the Pickering estate entered into an agreement to find so many hawks a year for the use of the Crown. But it was a very different thing to tell tenants on a ninety-nine years' lease to find a certain quantity of game; and he had heard that the Needwood tenants, holding leases for ninety-nine years, were obliged to find so many head of game a year. This was a monstrous arrangement, and quite unworthy of the days in which we lived. If game was necessary for the Royal larder, why was there such a charge made for game, when these tenants of Needwood were bound to find game sufficient for the Royal larder. He now came to the next point. There were a great number of charges which he thought were unjustifiable reductions of Her Majesty's Privy Purse. It was notorious that out of the Civil List Her Majesty was obliged to subscribe many hundreds, if not thousands a year for what were called "Queen's Plates;" and, indeed, it should be recollected that when it was said that Parliament voted so much for the Civil List, that it was not for Her Majesty's own comfort or pleasure alone, for her privy purse was only £60,000 a year; and she did not receive a sum of £385,000 voted for the Civil List, most of which was taken to pay salaries, Masters of the Horse, Masters of the Buck-hounds, and so on. And here, again, there was a charge on the revenues of the Duchy of £105 a year for a Plate for the Lancaster races. The next item he should mention was a most absurd one. It was the travelling expenses of the Duchy Seal, £48. It would seem that the Seal came up from Lancaster to London, went and stayed at the Clarendon Hotel, and returned by a special train. He supposed that it was brought up whenever there was a new Chancellor. Another extraordinary charge was for new seals, £432. If he had John of Gaunt's seal he should prefer to use it, but on every accession to the throne there was a new one for the Duchy. Such an extravagant system as this was unjust to the Sovereign and injurious to the State. As it was said that Her Majesty possessed the revenues of the Duchy of Lancaster he trusted that he had shown that she had no such thing; but that it was in this way that the revenues of the Duchy were eaten up. He saw no remedy for this state of things but to transfer the revenues of the Duchy to the Consolidated Fund, as had been done with the other hereditary revenues of the Crown, so that they might be collected without the incurring of the enormous expense. In the next place, he would suggest the enfranchisement of the copyholders on the estates of the Duchy. He knew a case in which the revenue of the Duchy derived from a copyhold manor was £50 a year; and he also knew that it could be commuted for a capital sum of £30,000 in less than six months after a notification to that effect from the Chancellor of the Duchy; for the copyholders of the manor were quite willing to pay 720 years' purchase, to be relieved from the tender mercies of the managers of the Duchy estates. He had now concluded this portion of his statement with regard to the Duchy. But he wished to ask a few questions of his right hon. Friend the Chancellor of the Duchy of Lancaster, which he was about to put in the most friendly spirit. The first question was this: What was the reason that the income of the Duchy of Lancaster was stationary? There had been large sums sold out of the permanent stock and great improvements made on the estates, especially as regarded drainage. He wished to know why it was that while the royalty paid on the mines in 1844 was £1,141, and was now £5,688, the income of the Duchy was so stationary? How was it, then, that there was an increase in the royalty of the mines of £4,000 a year in 1856 as compared with 1844 and still no increase in the income of the Duchy? It might be one explanation of this that there had been bad bargains, and purchases, and exchanges of lands. He was acquainted with the circumstances of some of the recent exchanges, and he could only say he should have been sorry as a landowner to have made such purchases and exchanges; and he would further say that if there was any bad farming in Staffordshire it was on the Duchy estates. There was an estate which might have been advantageously exchanged for some of the Duchy estates, but it had been exchanged for land principally for sporting purposes; the chance of obtaining some good land for the Duchy was lost. There had been another purchase of land, which was a singular one—land which cost £11,308, having been recently added to the Duchy estates. It might have been added at the suggestion of those who lived in Needwood Forest; but he did not think that any one else would have given such a price for it. The next question he wished to put was with regard to the capital account. This was so mysteriously arranged that he could scarcely understand it. He could only refer to the authority of a Chancellor of the Duchy of Lancaster in 1854, who said that the accounts of the Duchy were not kept on such a system as to afford in a full and intelligible manner such information as ought to be laid before Parliament. If an ex-Chancellor, therefore, found these accounts incomprehensible, how could a comparatively ignorant country gentleman like himself be expected to understand them? The next question he wished to ask was, what was done with the fines levied on renewals of leases and sales? The accounts in that point puzzled him as much as those of any railway company could. Since 1836 the amount of fines levied was £26,731, and the proceeds of sales amounted to £50,365. What had been done with those sums? Were they treated as capital, as they ought to be, in order to make the income of the Duchy as large as possible? The next question he had to put was with regard to the minerals? There had been a great increase in the production of minerals, of coals and ironstone; but there was no statement on that head in the accounts since 1837 and 1838. He could not understand why that omission had been made. Parliament had required the accounts of the Duchy to be laid before them annually, and for the first two years, the amount of the minerals raised, and the amount of the sales was given. Since then nothing of the kind had been stated. In 1837 the Duchy received one-ninth of the clear value of the coal raised and sold at the mines, after deducting the expense of getting the same. In 1838 a reduction to one-twelfth took place. Of course, this made a great difference in the revenue of the Duchy, and he was anxious to know, therefore, why since the years he had mentioned a full statement on this subject had not been published. The accounts were less satisfactory than they were, in this respect; and he hoped his right hon. Friend would give an explanation of the matter. There was only one other question to which he would refer; and that was, whether his right hon. Friend and the other officials of the Duchy had given their serious consideration to what he called the serious question of the demand for compensation for the destruction of their property by the Staffordshire potteries. The copyholders of North Staffordshire had purchased the surface of the land from the Crown, and a question had arisen whether copyholders purchasing the surface of the land were entitled to the foundation, as it was called. The lessees of the Duchy of Lancaster had undermined a town and district in Staffordshire, which contained a population of 30,000 persons. They undermined streets, houses, churches, chapels, to such an extent that hon. Members who had been at Herculaneum and Pompeii, except for the beautiful climate and the character of the buildings, might fancy from the unroofed houses and the cracked walls and foundations, that they were looking at the places he had mentioned. One manufactory which cost £6,000 had been destroyed, a whole street had sunk into the earth; and a rick had disappeared in one night. A pigsty was sinking, and the sagacious animal which inhabited it saw what was coming, was very uneasy for two or three days, and finally made its escape the night before the building fell. Many of the people were made bankrupts and insolvents by the losses they sustained, and he was sorry to say that some of them became inmates of the workhouse. The copyholders naturally claimed compensation for the destruction of their property. They had purchased the surface of the land, and had built houses on it costing £300 or

£400, as the case might be; then the lessees of the mines of the Duchy undermined the ground, and their houses were destroyed. The question was brought before the courts of law, and the Duchy of Lancaster spent £8,000 in the defending their lessees at law, instead of saying to them that the land was granted subject to their keeping up a foundation for the copyholders. He would say that such an arrangement should have been made with the lessees that, if they destroyed the foundation of the surface of the land, they should compensate the copyholders. It was rather hard, after the Duchy had sold the surface of the land, and lessees destroyed the foundation, that the Duchy should have to defend the lessees at law. It was most unjust. He said it was unjust, for four Judges, including the Chief Justice of England, had said it was unjust. The Judges decided that the copyholders had an unalterable right to a foundation for their buildings, but unfortunately they did not add that they were entitled to compensation if it was destroyed. Lord Chief Justice Denman said that the lessees had an immemorial right to carry on their mining operations; but the lessees in the present case were wrong both in law and in practice; because as the Crown had sold the surface of the land they could not deprive the copyholders of the foundation or jeopardize the lives of Her Majesty's subjects. The Duchy ought to say to the lessees, mine away and get as many minerals as possible, but if you destroy the foundation, you must compensate the copyholders. He had now, he thought, said enough on the subject, and had given some reason for asking for the returns for which he moved. These returns, if granted, would throw some light upon the state of the Duchy property, would enable the accounts to be better understood, and the country would see that this property had been very badly managed. He did hope that the present discussion would tend to some extent, at all events, to the improvement of this property. The noble Lord at the head of the Government would, he trusted, dive into the mysteries of the Duchy, in which case he was sure the noble Lord would find an opportunity of effecting a reform which would be advantageous to the country, beneficial to the Duchy itself as well as to the Crown, and certainly creditable to the Minister who effected it. The hon. Gentleman concluded by moving an Address for a return of all manors and estates now belonging to the Crown in right of the Duchy of Lancaster; of all sales, grants, and enfranchisements which have taken place since 1838; of the purchases and exchanges of land which have been made since the same period, and the date and term of all existing leases of the lands, mines, and rents of the said Duchy.

Mr. Alderman COPELAND, in seconding the Motion, said he wished to obtain an assurance from the right hon. Gentleman (Mr. Baines) that the Duchy would no longer interfere for the protection of the lessees, but would let the copyholders fight it out with those persons. There was the large expenditure of £20,000 in law within a few years. The copyholders of North Staffordshire, who had been so seriously injured, found, when they took proceedings against the lessees, that the Duchy always came to the rescue with their long purse. Within the last few years some of the finest pasture land had been destroyed—he would not say designedly, but it would almost appear so, because such a reckless destruction need not have taken place if the ironstone had been carried a few yards further. There was a case in which a piece of valuable pasture land, surrounded by a quickset hedge, had been covered with ironstone without any notice, the lessee not even asking permission from the copyholder. Another person, the possessor of twenty-eight acres of land in Staffordshire, valued at from 2*s.* 6*d.* to 7*s.* 6*d.* a yard for building purposes, had his land spoiled and destroyed by a lessee under the Duchy, and he had received compensation at the rate of only £5 per acre. The copyholders of North Staffordshire might defend themselves in a court of law from the lessees; but they dared not encounter the purse of the Duchy, and besides, if they obtained a verdict they received no costs, and when Lord Denman gave judgment in their favour formerly, he was told that the Crown, by a technical manœuvre, totally nullified its effect. He trusted that the right hon. Gentleman would take the subject into his serious consideration, in order to put a stop to this reckless course of conduct, and he suggested that a Select Committee should be granted to inquire into the whole question.

Mr. BAINES said, that he must in the first place tender his acknowledgments to his hon. Friend the Member for Stafford for having given him notice of some of the points to which he had adverted that evening, because, as all the circumstances of which his hon. Friend had complained had taken place before he (Mr. Baines) had entered on his present office, it was impossible for him to bring any personal knowledge of his own to bear upon the subject. He had now, however, made careful inquiries into the matter, and he was sure that he should not appeal to the House in vain for a candid hearing while he replied to the imputations which had been cast upon the Duchy at the head of which he was officially placed. He agreed with his hon. Friend that the duty was imperative on him (Mr. Baines), as Chancellor of the Duchy, to do his best to render its property as available for the interests of Her Majesty, to whom it belonged, as possible. That duty he fully acknowledged, and, so far as he had the means, he certainly intended to perform it; but it must have been seen from the speech of his hon. Friend that any attempt of that kind, however earnest and however prompt, could only be attended with very gradual success; because there were many outstanding leases, granted long before he had had anything to do with the Duchy, a variety of stipends and charges upon land, numerous arrangements of one kind or another, grants of patent offices for life, and so on, which could not be disposed of at once, but could only be dealt with from time to time as opportunities arose. Whenever an opportunity should present itself, however, of making a better arrangement, either with regard to any of these patent offices, or to the management of the land by making improved contracts and leases, he should, so long as he had the honour of holding the situation which he then filled, most earnestly avail himself of it, and should always keep that matter earnestly and diligently in view. He would now call the attention of the House to the precise position of the Duchy of Lancaster at the present moment. It was well known that the Duchy of Lancaster originated as long ago as the reign of Edward III. It became a possession of the Crown in the reign of Henry IV., and from that time to the present the government of the Duchy had been distinct from the other possessions of the Crown, and had consisted of the Chancellor and the Council. When the Civil List was settled at the accession of Her present Majesty, the arrangement was made that all the other hereditary revenues of the Crown should be given up to be dealt with by Parliament, but that the two Duchies of Lancaster and Cornwall should not be given up. They remained distinct and separate, as they were before, and that was the footing upon which they stood on the Civil List Act of Her present Majesty. That being so, Parliament very properly—in order that the House might have the means of auditing the accounts of the Duchy of Lancaster—passed an Act, the 1 & 2 *Vict.* c. 101, which provided that every year accounts of the expenditure and revenue of the Duchy should be made out in such a form as the Treasury should from time to time require, and that they should be submitted to Parliament; and here he would state with regard to the returns asked for by his hon. Friend, as he understood that they were required in order to throw light upon the accounts, that he should not interpose any obstacle to the presentation of those returns. Now, he thought that the House would agree with him, when they should have heard his statement, that, whatever room there might still be for amendment — and he was far from denying that there was great room—very substantial improvements had taken place in the management of the Duchy of Lancaster since the passing of the Act of the 1 & 2 *Vict.*, and he should briefly enumerate some of those improvements. His hon. Friend the Member for Stafford had alluded to the system which at one time existed, to a great extent, of having local receivers all over the country. He (Mr. Baines) was happy to inform the House that there was only one of those local receivers left. All the rest had been got rid of in one way or another, and by the new arrangement, making the Receiver General answerable for the whole amount received, a saving of no less than £1,200 a year had been effected under that head alone. The one local receiver who remained held a patent office, and could not be removed from it; but whenever a vacancy should occur, it was not likely that it would be filled up again. His hon. Friend had also adverted to the salaries paid to the officers of the Duchy, and he admitted that that was a topic deserving serious consideration; but since the passing of the Act to which he had alluded, a material alteration had taken place in that respect. Previously, the Chancellor, and he believed all the officers of the Duchy, had been paid a certain sum in the shape of salary plus another sum made up from fees and emoluments, but that was now altered, and fixed salaries were paid instead. Under the new system, the Chancellor received £2,000 a year, instead of £3,400 or £3,500, which his income had averaged before, and the salaries of the other officers had been reduced in about the same proportion. Thus, not only had a great saving in salaries been effected, but the farther advantage had been gained of getting rid of the fees upon instruments and documents of various descriptions. In another point a great improvement was effected. In 1847, Lord Chief Justice Campbell, who at that time held the office which he (Mr. Baines) had now the honour to hold, determined to make an alteration in the constitution of the Council. This Council was part of the system of government of the Duchy in the time of Edward III., but it was thought advisable to infuse into the Council some new blood, and to obtain the assistance of gentlemen qualified to advise with respect to the sale and letting of lands particularly, and generally with respect to the management of a large territorial domain like the Duchy of Lancaster; and, accordingly, several new Councillors were added at that time. When he stated the names of those whose assistance he had now the honour of having as Councillors, he thought the House would admit that it was impossible to imagine any set of gentlemen better qualified to give advice with respect to the management of such property. The present Councillors were the Duke of Newcastle, Earl Spencer, the Earl of Hardwicke, Lord Portman, Lord Belper, the right hon. Baronet the Member for Carlisle, and Colonel Phipps. It was impossible to name persons entitled to more respect, and he was happy to say that he had the opportunity of referring to this Council for advice with respect to any matter of importance connected with the management of the domain, and had during the short time he had held the office of Chancellor received most valuable assistance from them. From the time of this alteration there had been introduced very great improvements into the government of the Duchy of Lancaster. Very soon after the appointment of new Councillors by Lord Campbell, a recommendation was made by the Council which involved another improvement of an important kind. They recommended that fines on grants and renewals of leases of land should be abolished as speedily as possible, and since then every effort had been made to carry out the principle. He had already said that any attempt to carry out these improvements could only be prosecuted gradually, but the object was kept steadily in view. A point adverted to by the hon. Member for Stafford, and on which too much stress could not be laid, in reference to the expense attaching to the management of the property of the Duchy, was the very scattered and dispersed character of the possessions of the Duchy. The hon. Member had stated that in some counties the amount of the property was very small, and yet it was necessary to have some person to look after it. When property was scattered in that way a great amount of expense was necessarily involved, and, in consequence, about two years ago an Act of Parliament was passed which made a great alteration in this respect, as it empowered the Chancellor and Council to dispose of outlying properties, and to purchase other properties contiguous to the property already possessed. The object was to consolidate, as it were, the possessions of the Duchy, and this had already been carried out to a considerable extent, and would be hereafter carried much further. He had understood the hon. Member for Stafford to say that the Queen derived hardly any benefit from the Duchy of Lancaster, and that the payments into the Privy Purse were very trifling, and that no increase had taken place in them. He had got a return of the payments into the Privy Purse for the last nineteen years, since the time when a new system of account was introduced, and he would state the result. The House would then be able to judge whether the result of these alterations had been so insignificant as his hon. Friend had mentioned, and also whether strong hopes might not be entertained that by means of the improvements he had already adverted to much greater progress would hereafter be made in the same course. He was happy to say that in the last and preceding years the return had augmented, and there was a prospect of a considerable further increase in the present year. The yearly average of the sums paid into the Privy Purse from the Receiver of the Duchy of Lancaster free of all deductions for the last nineteen years was £13,210. In 1851 the sum paid was £12,000; in 1852, £15,000; in 1853, £15,500; in 1854, £18,000; in 1855, £20,000; and in 1856, £20,000. In the present year he could not say how much more would be paid into the Privy Purse, but there was a prospect of the sum being much greater than in the last few years, and of the increase being progressive in future years, as it did not arise from accidental circumstances. Therefore, it was wrong to say that the amount paid to the Privy Purse was trifling. Of course allowance must be made for a certain time for existing encumbrances, old leases, patent offices held for life, contracts and engagements already entered into, and which could not be got rid of all at once; but he had every reason to believe that the resources of this great property would develope themselves more and more, and return to Her Majesty a greater and greater revenue. The hon. Member for Stafford had thrown out one or two suggestions which he should not lose sight of, and he promised that if any gentleman would favour him with suggestions for the real improvement of the property, those suggestions would receive from him the most respectful and earnest consideration. He admitted that the present discussion was useful in having brought forth certain suggestions which might be found capable of being carried out. He had already answered many of the questions which the hon. Member for Stafford did him the favour previously to communicate to him, but there were one or two more to which it was necessary that he should advert. With respect to the statement that the income derived by Her Majesty from the Duchy was stationary, he had, he believed, given a satisfactory answer. The hon. Member had also called attention to a purchase of land for the sum of £11,000, from a lady of the name of Anson, and observed that the people in the neighbourhood did not know why that purchase was made. The purchase was made some years ago, but he had inquired into the circumstances, and he found that the rents of the property yielded a larger sum than the money would have yielded if still invested in the funds. With regard to the accounts, the managers of the Duchy property were bound by statute to lay them before Parliament in such form as the Treasury should require, and he never heard before that they did not give full information. There was, however, every readiness to give the fullest information, and he was sure that the Treasury would attend to any suggestions made on that point. He could give no more specific answer with respect to this matter, because the hon. Member did not point out in what respect the accounts were unintelligible. A case of damage much to be regretted, done to the copyholders of the manors of Hanley and Shelton, in consequence of mining operations, had been referred to. That injury had been sustained by them no one could doubt, but the question was, whether the Duchy, in what had been done in this matter, which took place a number of years ago, was blameable. As far as he was informed, it was not blameable. An action had been brought some time back, in the case of "Hilton and Granville," by a copyholder of one of those manors, against the lessee of the mines, for damage done to his property. That case had occupied the attention of the Court for a considerable period, and there was a great deal of conflicting evidence adduced. In that case, the Court were of opinion that a legal custom was not sufficiently established of the right of the lessees of mines to excavate at risk to the property of other persons, and ultimately the case had been brought before the Court in Error, and the case had not yet been decided. He believed himself that the general custom had been, that the copyholders held their land subject to the right of the lessee of the mines to excavate, and that if they erected buildings on ground which it was intended to excavate, they did so at their own risk. It appeared to him that, although no doubt individuals might suffer from such a custom, yet it would be difficult, in a district the working population of which was supported almost entirely by mining operations, to introduce a different system. It was found upon the trial to which he had referred, that the copyholders were served with notices by the lessees of the minerals, to the effect that they had a right to get the minerals, and cautioning them against erecting any building that might be endangered by the excavations. Some copyholders took no heed of these notices, and erected buildings at their own risk. It appeared also from other sources, that when it was evident that land would be excavated, the surface was bought at a reduced price in consequence of that liability. With regard to the litigation that had taken place, the jury had found that such a custom as that to which he had referred, and which threw the risk from mining on the copyholder, did in point of fact exist, and although it was true that the Court of Queen's Bench, under the presidency of Lord Denman, had held that such a custom was bad in law, this was directly opposed to the opinion of Lord Cottenham, and the question had since then gone into a Court of Error, out of which it had never emerged, and the question still remained undecided. But, in 1846, Lord Granville Somerset, the then Chancellor of the Duchy, had expressly stated that he was willing to listen to any proposition for an equitable arrangement not involving an absolute abandonment of the rights of the Duchy. That offer had been repeated more than once by his successors, and to it he (Mr. Baines) was willing to adhere. It was said that the officers of the Duchy had encouraged the lessee in his litigation against the copyholder; but the fact was, that they were under covenants to indemnify him in working the mine; and they therefore thought they were bound to do their best to show that no liability had accrued. He thought he had now shown, with respect to the management of the estates, that there was ample reason to believe that an important progress had been made in the management of these estates, and that further progress might be expected. He had only further to say, that he had no objection to the returns moved for by the hon. Gentleman, for he was anxious that the fullest information should be given as to the management of the estates of the Duchy of Lancaster.

Mr. RICARDO never heard a less satisfactory answer than that which the right hon. Gentleman had given to the speech of his hon. Friend, particularly so far as that portion of it went which referred to that which he considered a case of great oppression. He had spoken of the injury done by the falling in of the surface in Staffordshire as if it was a matter which had occurred some time ago. But at this moment the houses in Hanley and Sherrington were constantly falling in. The lives of the inhabitants were in constant danger, and yet they could get no redress from the Duchy. He had himself been for seventeen years connected with this mining district, and had frequently applied for redress of the grievances which had been inflicted, and he thought that the answer of the right hon. Gentleman that evening would give the House a specimen of the kind of redress which he had to expect. He had been sent from the Duchy to the lessees, then back again from the lessees to the Duchy. Then he was told to apply to the Courts, and the right hon. Gentleman had indeed drawn a pleasant picture of the state of those who went into those courts. It was too bad that it should be gravely proposed that people who had been ruined by the Duchy should then be compelled to fight against the purse of the Duchy. And all this injury was inflicted upon the inhabitants of Staffordshire for the annual sum of £2,700, for that was the whole rent which the Duchy derived from the ironstone, the getting of which occasioned the mischief. He really would ask the right hon. Gentleman whether, as a Minister of the Crown, administering Crown property he was justified, for the purpose of obtaining a small rent for mines and minerals, in creating all this mischief amongst a population who were the loyal subjects of Her Majesty.

Mr. BASS said, that, as a tenant of Her Majesty, he hoped he might be permitted to say a few words. There were few properties in the county of Stafford or elsewhere which were in a worse position than that of Her Majesty as Duchess of Lancaster. He believed that, if the property were sold and the produce invested, the income would be quintupled. He found by the Returns that there was a balance of £80,000 in the hands of the Receiver General. What was the necessity for such a balance? He should observe that Her Majesty reserved the privilege of killing the game on the estate. For his own part, he should say that he would be very glad to see any member of the Royal Family visiting the estate for the purpose of sporting, and he was sure that the gentry of the neighbourhood so honoured would do all in their power to make the sport as agreeable as possible. However, such an honour had never been conferred on the estate within his memory. But let not hon. Members think that those Royal game rights did not give rise to any inconvenience to the tenants. Although the Royal Family did not sport over the estate, Her Majesty required a supply of game, and the Queen's Master of the game had demanded of him, as one of the tenants, an annual supply of four pheasants, eighty partridges, and eighteen hares, for the Royal kitchen. Now, nothing could afford him greater pleasure than to in any way contribute to Her Majesty's comforts, and he should, therefore, have been most happy to send in his quota to the Royal kitchen; but, unfortunately, he lived in a neighbourhood where night poaching was carried on, and he could not comply with the demand of the master of the game. However, on representing these facts to his noble Friend, the officer in question, the latter, after some discussion on the subject, consented that a purveyor should supply the game, and that the bill should be sent to him (Mr. Bass) every Christmas. Accordingly the game was so supplied, and the bill was sent to him every year. He, of course, paid it, with he need not say how much pleasure and satisfaction. The state of things, however, to which he referred might, he thought, more properly have existed in the reign of Henry IV. than at the present day.

Motion *agreed to.*

Address for "Return of all Manors and Estates now belonging to the Crown in right of the Duchy of Lancaster; of all Sales, Grants, and Enfranchisements which have taken place since 1838; of the purchases and exchanges of Land which have been made since the same period, and the date and term of all existing Leases of the Lands, Mines, and Rents of the said Duchy."

ADMINISTRATION OF BENGAL.

MOTION. PREVIOUS QUESTION PUT.

Mr. KINNAIRD said, that when he presented the petition of the Protestant missionaries on the state of the lower provinces of Bengal the House had exacted from him a pledge to found a Motion on that petition. He was now about to redeem that promise. He was well convinced that in very many respects our government in India, taken as a whole, had been productive of much good to that country; but he claimed the attention of the House while he endeavoured to set before them, as briefly and as faithfully as he could, the present condition of the Lower provinces of Bengal, as a signal exception to that fact, if they were to believe the testimony of residents in that country. He did this, because undoubtedly on that House rested the responsibility of securing for the people of India the best attainable government. He disclaimed all feelings of hostility to the Government or to the East India Company, of which the proof was that he had supported them generally with reference to India when the last charter was passed; but he was now painfully convinced that hitherto they had failed to secure to the Natives of the Lower Provinces of Bengal those blessings for which Governments exist. It was his desire to impress upon the House the tremendous magnitude of the claims of their Indian empire—an empire he might almost say the greatest that had ever been committed to the care of a civilized country. The age in which they lived was an age of wonders, but certainly not one of the least was the almost utter indifference that had hitherto been manifested in that House to those claims, and to the interests of this mighty empire—committed to them, as was once so well said by the late President of the Board of Control, not for the selfish purpose of their own aggrandisement, but that they might raise it to the participation of the same privileges which they themselves nationally enjoyed. He felt that they had neglected their duty to India, and that they ought to repair that neglect, and at least to give some earnest and constant attention to its claims for the future. When the interests of 30,000 of the gallant soldiers in the Crimea were thought to be neglected, how wide-spread was the sympathy! When the 7,000,000 of Ireland were afflicted by a sore famine, how generous the response to the cries of distress! But these numbers sank into absolute insignificance in comparison with the numbers on whose behalf he felt it his duty to plead that night. In India 150,000,000 or 160,000,000 of human beings, a sixth of the population of the world, were under the sway of the British Crown,—a population greater in number than the combined populations of European Russia, of Austria, of France, and of Great Britain, and six times greater than the population of all the other British colonies taken together. But he intended to confine his observations to the state of the Lower Provinces of Bengal, the country referred to in the petition, which of themselves formed an area of nearly 290,000 square miles, and contained a population of from 40,000,000 to 45,000,000. These provinces had been for nearly a century, more or less, under the dominion of England, and, having been their first possession, *there* had been committed, he apprehended, their greatest mistakes in government, and mistakes of such a nature that it was exceedingly difficult to rectify them. It was only since the renewal of the East India Company's charter in 1853 that Bengal had even had a separate Governor. Again, the system of landed tenure established by Lord Cornwallis in 1792 had been a source of boundless misery. Good in theory, and if honestly carried out, all those provisions in it calculated to protect the poor had been practically lost sight of. It was known by the name of the Perpetual Settlement and the Zemindaree System. It was founded with the most benevolent intentions, praised by Pitt and Dundas at home, and approved by Lord Wellesley (Lord Cornwallis's successor) in India; while the Court of Directors congratulated themselves on having at length done their duty by the establishment of institutions so admirably adapted to promote the welfare of the people of Bengal. Consequently, he imputed blame to no one with regard to its adoption; all he said was that, as it had been carried out, its results had been most disastrous. If they compared the state of the Lower Provinces with the North-west Provinces, which had more recently come under their sway, they would see in the latter the beneficial results of good government, and in the former the evils of grinding oppression. In eight years that talented nobleman Lord Dalhousie, whose state of health they all deplored, in the Punjab, which came into their possession in 1848, devised and created a system of government said to be free from all the defects developed in the older provinces, and, with due allowance for the weakness of the Native character, a perfect model of excellence, and that district was now prosperous. But in Bengal their institutions were pronounced a failure, and some who knew the country felt that they were on the eve of a crisis; for not only were things bad, but in very important respects they were growing worse. Let the House just consider that the Europeans, who were the governing class in India, were but a handful compared with the Natives, less than 100,000 against 150,000,000, and they would at once perceive that their power rested on *prestige*. Destroy that *prestige* by any violent shock, and their power was gone. The Hindoos were no doubt a patient people, but there was a limit to human endurance, and if they overpassed that limit who could predict the consequence? The petition of the missionaries which he had had the honour to present to that House at the close of the last Session had had its origin in their personal knowledge of the miseries of the people. They had first addressed themselves to the Lieutenant Governor of Bengal (Mr. Halliday) and the Governor General in Council; but the petition which they presented for inquiry into the social condition of the people of Bengal was dismissed with the usual official assurances that inquiry was useless; that the evils, though great, were exaggerated; and that remedies would be applied which inquiry would only delay: though the Lieutenant Governor and even Mr. Grant himself, in their answers, practically admitted the truth of nearly all their representations. He felt persuaded, judging from his former policy, that had Lord Dalhousie been Governor General, he would have granted the inquiry. As it was, having failed to obtain a satisfactory reply from those quarters, they had had no resource but to address themselves to the Parliament of England, with the hope that they would listen to the cry of distress, which, whether they heeded it or not, was rising from the millions of Bengal. That they were justified—nay, much more than justified—in the course they had taken he unhesitatingly maintained, and that their testimony was of the greatest value and deserving the highest credit he conscientiously believed. His right hon. Friend the President of the Board of Control would tell him, no doubt, that the missionaries ought to confine themselves to their own sacred calling and not interfere with the grievances of the people. But he (Mr. Kinnaird) begged to take issue with his right hon. Friend on that point. Of no one party, but connected with various Christian denominations, conversant with the every-day lives of the people, unconnected with the Government and the civil service, gentlemen of British birth and liberal education, with English ideas of justice, what one body in India was there so well calculated as they to take a just view of the social condition of the people? They were, in fact, the only body in India who had no class interests to serve. These were not days when men could discredit the testimony of missionaries. They were too well known and appreciated. The name of Livingstone alone would forbid it. And Dr. Duff and Mr. Mullens, who signed the petition, were themselves members of the University Council. He was the more induced to bring this question under the notice of the House because on the renewal of the charter in 1853 the Parliamentary inquiry had terminated before this question of the social condition of the people had been mooted. This House would agree with him that a Government that did its duty should at least secure to the subjects of that Government these four things:—1, the administration of justice; 2, security to life and property; 3, protection to all classes, poor as well as rich; 4, and lastly, exemption from excessive taxation. It became, therefore, his duty, in submitting these Resolutions to the House, to give them such information as was within his power on these several points; and if he succeeded in showing that on all our administration had been radically and grievously defective, he must believe that they would take some effectual steps to secure for these their fellow-subjects those rights to which they were as much entitled as themselves. He claimed the indulgence of the House while he read some extracts giving an account of the present social condition of Bengal, written by men who knew the country and whose statements might be relied on. He wished to say at the outset that it was his aim rather to understate than to overstate the case, which, in truth, needed no colouring of his to make the picture more gloomy. It was gloomy enough of itself. He should have dwelt at some length on the system of landed tenure, but there was hardly any one present who was not acquainted with the zemindary system. Although that system was founded with the most benevolent intentions, and there were provisions for the protection of the poor in their rights, he was sorry to say that those provisions had been entirely neglected. As an example, if a Zemindar, on account of the loss of his crops, obtained a remission of the tax, he still exacted the tax from the ryot, or held it over till the next year as a debt to himself, thus rendering the ryot thenceforth practically a slave. The simple fact was that Lord Cornwallis provided a series of measures to protect the cultivator, but those measures had been utterly disregarded. The cultivator experienced no benefit from one of them. He could get no lease, no receipts, no protection from arbitrary extortion. A regulation was passed in 1797 under which nearly every Zemindar had his own bludgeon men, his own courts, his own prisons, aye, it was universally believed, his own modes of torture, to extract money from the ryots. This law and the regulation No. 5 of 1812 together constituted the most severe laws of distraint in the world. It was stated that—

> "Bengal had been neglected in a most extraordinary manner. The condition of the people had not been made a matter of parliamentary inquiry. The real state of the case is known only to a few civil servants, who all these years have done nothing. In fact, in Bengal there is an amount of suffering and debasement which probably you would not find exceeded in the slave states of America."

In answer to a question put as to whether the Lower provinces were deteriorating, the answer was that they were not, inasmuch as the produce and exports had so wonderfully increased; but yet, with all the elements of prosperity developed, the ryot alone languished, and his condition had deteriorated, and was deteriorating. Then it was stated that the laws were oppressively severe, enabling the Zemindar or landlord at any time to sell up and ruin his unfortunate tenant; while by the arts of bribery and intrigue the Zemindars acquired an influence in the Courts of Justice which practically precluded all hope of redress for the unhappy ryots. For a few shillings any number of false witnesses could easily be procured, and the police always took the strongest side. The Zemindars were also in the habit of treating their ryots not as their tenants, but their servants; they set themselves up as petty kings, and exacted tribute from the poor cultivator every time a birth, marriage, or death occurred in the family. Not only did the Zemindary system grind the ryots to the dust, but it operated as one of the most powerful obstacles to the spread of Christianity in India. He was not surprised that before Lord Dalhousie left India a memorial was presented to him, in which he found these words—

> "The conviction we have that your Lordship will always endeavour to promote the welfare of India encourages us to give expression to our wishes that your attention will be directed to the lamentable condition of the peasantry of Bengal, the causes of it, and the best means of alleviating it. We take the liberty of addressing you on the subject because we know that the present working of the Zemindary system is one of the most powerful obstacles not only to the spread of Christianity but also that it is a growing evil."

Another petition said—

> "Your petitioners view with alarm as well as sorrow the continuance of the evils which they have so long deplored, and the effects of which are seen in the sufferings of the people. They believe that measures of relief can with safety be delayed no longer, as they believe that a bitter feeling of hatred is engendered in the minds of the population."

He believed that that point was disputed, which was only a reason for inquiry. Then there was another evil of great magnitude—he meant the frequent removal from place to place, and from one office to another, of the servants of the Company, rendering it impossible that they could acquire either a knowledge of their duties or an acquaintance with their districts. The average duration of a magistrate's term of office in the Deccan for a series of years past was not more than ten months. It was stated that thousands of square miles are inhabited by millions of people who enjoyed neither justice nor protection. The magistrate's court was often sixty miles distant from certain districts; and so wide was one man's jurisdiction that a judge had had to go 140 miles to try a case of murder. It occasionally happened that a Native population of 2,000,000 were governed by two solitary Europeans; and this, too, it must be remembered, in a country without roads. It was further stated that no man in his senses resorted to a court of law in Bengal. [Mr. Vernon SMITH asked the hon. Member (Mr. Kinnaird) his authority for those statements.] He was glad that his right hon. Friend had put this question to him; for it gave him an opportunity of stating that Mr. Halliday's Minute corroborated the statements which he (Mr. Kinnaird) had been making. And here he should observe, that though that document had been moved for, it had never been laid on the table of the House. However, it had been at the India House for a month, and there was, he believed, a copy of it in the hands of his right hon. Friend. Mr. Halliday, to whom the missionary Report was first addressed, was a great authority on India. He had been brought over to this country and examined before the Committee of 1852. And what did that gentleman say in his Minute? Why, that for a long series of years complaints had been handed from administration to administration with regard to the Mofussil police in Bengal, and that yet very little had been done to remedy that which was complained of. Again, Mr. Halliday gave it as his opinion that beyond all doubt they would fail to establish a good system of government unless they had such a vigorous and effective administration of justice as would give the weak ready access to the law, in order to insure them protection against the oppression of the strong. Throughout the length and breadth of the country, Mr. Halliday stated, that the strong preyed almost universally upon the weak. Of the vast importance of the rural police, he added, and the necessity of improving their character and position, there was only one opinion; but it was an unquestionable fact that the rural police had deteriorated in character and position in the lower provinces during the last twenty years. But this was not all. The great difficulty, with regard to the police was, that they were inadequately paid, and kept in a permanent state of starvation. That was what he said about the village police, the foundation of all possible police in the country, and upon the renovation, improvement, and stability of which depended the ultimate success of all our measures for the benefit of Bengal and the prevention, detection, and punishment of crime. The late Mr. Bethune, a Member of Council, came to the conclusion that the Bengal police were worse than the rest of the population; and it appeared that convictions for heinous crimes committed by the police were, in proportion to their numbers, greater by one quarter than the convictions of the rest of the population for all offences of every kind. Whilst the average of crime among the general population was stated to amount to 981 yearly, that amongst the whole number of police amounted to 1,130 cases, some of them of the most violent kind, as murder, thuggee, and robbery. Then what was his evidence as to the inexperience and inefficiency of the magistrates? "Even if the tribunals were all they could wish," observed Mr. Halliday, "and the police fully reformed, what would it avail so long as the superintending magistrates were for the most part inexperienced, and, therefore, unqualified young men?" The average standing of the magistrates of the twenty-five districts which had separate magistrates, was, in 1850, nine years and eight months. The average in 1856 was only six years and ten months. In 1850 there were only two magistrates below a seven years' standing; whereas in 1856, there were fifteen. The youngest in 1850 was of five years' standing; whilst the youngest in 1856 was under three years. On the whole, the magistracy was losing character and credit, and our administration growing perceptibly weaker; yet Mr. Halliday grieved to be obliged to affirm that the evil would infallibly increase within the next three years, unless an early remedy were applied. It was necessary, therefore, that the magistracy should be increased, for without it he doubted if any measures would be successful. Now Mr. Halliday admitted quite as much as he

(Mr. Kinnaird) wished, and quite enough, he was satisfied, to justify inquiry. The Governor General, in his reply to the missionaries, very truly said that he could not adduce in support of his opinions on the subject experience derived from personal intercourse with the Natives. Having been but a short time in India he naturally turned to the Members of Council, and amongst them to Mr. Dorin, who seemed to take a very different view indeed of the state of affairs, and that a very original view. Mr. Dorin said that there could be little question as to the unsatisfactory condition of the rural population of Bengal proper; but he doubted if it arose from circumstances over which the Government had control, and attributed it in a great degree to the physical structure of the people and the nature of the climate, and complained of the Bengalee because he did not resist violent oppression. It would, therefore, seem that that gentleman's opinion was that Bengal could only hope for an improvement in the administration of her affairs from the peaceably disposed part of the population imitating the violent conduct of the robbers and murderers who were the curse of the country. Really the climate seemed to have had a remarkable effect upon Mr. Dorin. On his own showing he ought to approve of Dacoitee, for the Dacoits were the only Bengalese who possessed any energy of character, or had any idea of standing up for their rights. The right hon. Gentleman (Mr. Vernon Smith) might, in opposing this Motion, rely a good deal on the evidence of Mr. Grant; but that Gentleman knew very little of the interior of Bengal, whereas he (Mr. Kinnaird) had mentioned positive facts—facts which had been testified to by the missionaries who had not gone to Calcutta for the purpose of making fortunes, but with the single object of devoting their lives to benefit the souls of their fellowmen. If, however, there was nothing more than Mr. Halliday's Minute to rest his case upon, he could not conceive that his right hon. Friend would refuse his assent to the Resolutions he (Mr. Kinnaird) now proposed for the adoption of the House. He thought the House must be convinced from the statements he had brought before them that the whole subject demanded a thorough investigation, not an investigation that was to stop any measure now in progress for the amelioration of these evils; not an investigation which was to array class against class and promote discord, but a calm, patient investigation such as English gentlemen were capable of making, and the result of which ought to be submitted to that House. If he was asked what object would be attained by inquiry into facts which were admitted to a great extent, to say the least, by the authorities in Bengal, he would say there were three objects. First, it would put all men, who cared to know, in possession of the facts which some men only now knew. He should like to know whether the Governor General himself was acquainted with the facts, and he doubted very much if he was; whether this House without inquiry could know of the facts; and whether the Court of Directors here knew anything about them, and this he was inclined to doubt also; for he remembered that when in the last Parliament the hon. Member for Poole stated in his place in this House that torture was practised in India, the two hon. Members who represented the Court of Directors in this House steadily denied the charge. If those hon. Gentlemen were unaware of the facts in that case it afforded strong presumption that they were equally ignorant of the facts in the present case also; and hence there was the greater necessity for inquiry. Secondly, it would put the stamp of the Government authority on the authenticity of the facts, so that it would be impossible to have official denials of those facts from interested parties either in India or at home. Thirdly, and lastly, the knowledge of the publicity given to the existence of the evils must, in the nature of things, quicken the activity both of the Legislative Council of India and of the Lieutenant Governor of Bengal to devise and to push forward measures of fundamental reform; so that they should have no more such answers as Mr. Dorin's to the petitions of missionaries; and, on the other hand, they would cease to have obstructions put in the way of such measures as the one lately introduced into the Legislative Council by Mr. Grant respecting the sale of land for arrears, as he understood from a letter he received from Calcutta only last week was now the case. And, to refer to another most important subject, they would perhaps cease to hear of such a fact as this, that when the Indian authorities were themselves desirous of putting down the cruel swinging festivals in Bengal, as had been done in Madras and Bombay, they had been prevented doing so by a despatch from the Court of Directors at home. Nothing, he thought, could give a better illustration of the importance of such a public and special inquiry than what had just occurred with reference to the pauper lunatics in Scotland. A few weeks ago, who would have credited the statement of the hon. Member for St. Andrews with regard to the condition of lunatics in Scotland? In fact, when Lord Rutherfurd proposed a remedy, it was rejected, because nobody would believe in the existence of the evils complained of; but after the inquiry which the energy of the Home-office had instituted, no hesitation was any longer felt in applying that remedy. He said that that House was responsible in the matter, and they had a right to know whose statement was correct —the missionaries who said that there was widespread disaffection as the consequence of misrule, or the Government authorities, who deny the statement. There was a higher power than all the authorities in India and than the Court of Directors at home, and that was, the Ministers of the Crown, and those Ministers were responsible Ministers; and if we would hold up our heads among the nations as the defenders of right and justice, we must see that our own rule in India is just and pure. What availed their representations to Turkey, their indignation at the corrupt officials there for not carrying out the more enlightened views of the Sultan, if they allowed the Native officials in India to take bribes, to oppress, to defraud, and, for the sake of a miserable economy, gave such a small staff of efficient magistrates that they could not, if they would, control their subordinates? Let them wipe their own hands of guilt. He said, "miserable economy." And why did he say so? Why, but because he believed that one great cause of misgovernment in India was, that for a long time it had been governed, not so much for the good of the people as for the selfish purpose of enriching themselves; and, even now, what did the Lieutenant Governor of Bengal say, on the point of expense? He said these three things:—

"1. If ten more lacs of rupees (£100,000) were annually spent on the magistracy and police of Bengal, the police charges would still be only a little more than those of the North-west provinces.

"2. That the diminution of expenditure at present, in consequence of the diminished numbers of junior civil servants, as compared with 1850, was more than a lac and a half of rupees (£15,000).

"3. He, last year, submitted to the Government of India, an earnest recommendation for an increase to the salaries of Darogahs, &c., by a system of gradation; and, unless financial difficulties interposed, he could not doubt that this measure must ultimately be honoured by the approval of the Governor General in Council. But, if this were not granted, all thought for the improvement of the police would, he feared, be but thought thrown away."

He felt confident that his right hon. Friend the President of the Board of Control desired to do justice to the people of India, and he could not doubt that the noble Lord at the head of the Government would be more than willing to promote the welfare of all the subjects of the British Crown, whether black or white; and what could he wish better for him, than that he who had been the tried friend of the African black, the supporter all over the world of liberty and humanity against oppression and misrule, who had stopped diplomatic intercourse with a European ruler, because he used his authority to oppress his subjects, should be known also as the maintainer of the rights of the millions of Hindostan? If his right hon. Friend answered in reply to what he had said, that measures of reform were in progress, then he claimed his support for his second Resolution. And if any one demurred to the truth of his statements, he could only see in this a fresh reason for inquiry, as both could not be right. If he was right, then he had asked the very least that could be asked. He had purposely abstained from asking for a Royal Commission to be sent out from England lest it should weaken the hands of the Indian authorities in the eyes of the Natives, who did not understand constitutional government; but he could not believe that any evils that could result from an inquiry instituted by the Indian Government, for the sake of giving them the information they required, would at all counterbalance the advantages that would result from it. During the siege of Sebastopol, who were right in their statements of wants and grievances—the public or the private authorities? He considered that the present Government of India was on its trial. Four years had passed away since it had assumed its present form, and nothing to alleviate these evils had been done for Bengal, whatever had been talked about. The North-west provinces might be enjoying a good system of government. The Punjab, thanks to that distinguished nobleman who had so ably presided for many years over the Government of India, might be under a still more perfect system; but what was this to the 35,000,000 of Bengal? It was for them he pleaded. He wished to do full justice to the Government of India. They had undoubtedly wrought many important and beneficial changes, and no man was more ready to recognize them than himself. They had abolished the government connection with idolatry. They had put an end to sutteeism, infanticide, thuggism, and human sacrifices. They had also instituted, though it had not yet made much progress, an advantageous system of education; and last, but not least, had recognized as legal the marriage of Hindoo widows. But did these benefits, after all, alleviate the present miserable social condition of the people of Bengal? He had not willingly overstated a single fact, but was content to rest his case on the admissions of Mr. Halliday. He hoped, therefore, that this country would not refuse the means of carrying out a necessary reform; recognizing as they did the authority of Him who said—"Thou shalt not pervert judgment; thou shalt not respect persons; thou shalt not take a gift; but that which is altogether just thou shalt follow." The hon. Gentleman concluded by moving the following Resolutions:—

"1. That, from representations made to this House, there is reason to believe that the present administration of the lower provinces of Bengal does not secure to the population the advantages of good government, but that the mass of the people suffer grievous oppression from the police, and the want of a proper administration of justice.

"2. That, in the opinion of this House, it is desirable that Her Majesty's Government should take immediate steps with a view to the institution of special inquiries into the social condition of the people; and to ascertain what measures have been adopted in consequence of the oppression under which a large proportion of the inhabitants of the lower provinces are now said to be suffering, more especially with reference to the system of landed tenures, the state of the police, and the administration of justice; and also that such Report be laid upon the table of the House."

Mr. DUNLOP rose to second the Resolution, and expressed his surprise that such an attempt should have been made to prevent this important and interesting subject being urged upon the attention of the Government. He felt the subject to be one so momentous that, notwithstanding the repugnance he had to address a reluctant and indifferent audience, he could not refrain from adding a few observations to those made by the hon. Member for Perth. He believed that the permanence of our empire in India could never be maintained solely by what was termed our *prestige.* It was not by *prestige* or force of arms that we could continue to govern that country. We must enlist on our side its population, of whom our army there must always chiefly be composed. We must create a conviction in their minds that our dynasty was connected with their happiness, security, and good government; and without that, all our *prestige* and all the force we could send from this country would be utterly and absolutely in vain. It was not enough that the people of India had escaped from the horrors of native rule. True, that was the case; but it was generations since that rule was felt, and the existing population of India could no more realise the exact position of their forefathers than we could realise the situation of the villains who groaned in this country under the oppression of the feudal barons centuries ago. They would form their judgments by their condition now whether the results of good government were secured to them or not, and according as they felt their present actual position would they either remain willingly under our rule or be discontented and disaffected. Some prejudices might be excited by the fact that it was the missionaries who had brought this matter before the House; but considering that the only mouthpiece the unfortunate people of India—these miserable and oppressed ryots—could have were missionaries, he thought the House ought rather to be thankful and rejoice that there was such a body of men to represent their case to them. The Government of India was all-powerful there, and had many representatives here. When Europeans in India had any cause of complaint they could through their numerous connexions easily make their voice heard before Parliament and the country. But the poor oppressed ryots had no one to speak for them if the missionaries did not. And who were those missionaries? Men of the highest character and of every denomination, who had conferred benefits greater far than many of the civilians who had gone out and returned to this country with large fortunes. His dear friend Dr. Duff, for example, had done more for the inhabitants of India than many of the gentlemen who, having come home with great wealth, had afterwards taken their seats, first in the Court of Directors, and subsequently in this House. Substantially, however, as his hon. Friend (Mr. Kinnaird) had shown, the statements of the missionaries were admitted in the answers which had been returned to their memorial to the Indian Government, except in regard to the single allegation of discontent. Lieutenant Governor Halliday said he saw no discontent; but it was not to be expected that he could have the same opportunities of making himself acquainted with the feelings of the Natives as the missionaries who were in daily intercourse with them. Indeed, it was not possible, considering the oppressions under which these poor people suffered, that there should not be discontent; it was not in human nature that they should be satisfied and quiescent. Mr. Halliday observes—

> "Great stress is laid by the memorialists on the inefficient condition of the police and the defects of the judicial system. They call, first and foremost, for inquiry into these, in preference to all other subjects of investigation; and they designate them, and with perfect truth, the radical cause of the social evils, of which I am far from denying the existence, though I am not disposed to look on them as so dark and deplorable as they appear in the painting of the memorialists."

Mr. Grant, too, also a Member of Council, had substantially acknowledged all the worst of the cases set forth by the missionaries. He stated in the Parliamentary paper, No. 51 of last Session, that the memorial of the missionaries mentioned the following as evils existing in Bengal, "which it fell within the scope of the Government to meet and control, and which, they said, appeared to be on the increase—first, insecurity of life and property in many districts; secondly, numerous gang robberies perpetrated with impunity; thirdly, constant scenes of violence and contentions as to disputed boundaries between the owners of adjoining estates; and the memorialists maintained that the radical cause of these evils was the inefficiency of the police and of the judicial system." Mr. Grant then went on to "record his most complete concurrence with the memorialists, both as to the existence and extent of the evils and the nature of the remedy." Another member of the Council, indeed, Mr. Dorin, attributes the evils existing, not to the judicial system and state of the police, but to the physical conformation of the people, and asks "what could be done for a people like this, who would do nothing for themselves; and what Government interference could supply that foundation of moral improvement and self-reliance which nature itself seemed to have denied them. It was almost a law of nature," he adds, "that cowards should be slaves or tyrants," "and I fear this describes but too truly the general condition of the population of this fertile province." No doubt these poor people were timid by nature, but the conclusion to be drawn from that was, not that the Government should not interfere for their protection with an effective police, but that they should so interfere all the more. Mr. Halliday takes a sounder view, stating that "this is a country in which, owing to imperfect civilization, scanty knowledge, and a low standard of morality, to habits of selfish domination in one part of the population and of slavish submission in another part, might is at all times very apt to be made right. It is a country, therefore (he adds), where the poor greatly needed for their protection against the rich a strong and incorrupt police, and a pure and easily accessible judicial system." But so far from that being the case the state of things was every way the reverse. From the village watchman, "the foundation of all possible police," to the criminal tribunal, all was inefficient. As to the watchman, Mr. Halliday, in his Minute, says, "that when any one is robbed in a village it is probable that the first man suspected will be the village watchman," and the Commissioners of Police describe the establishment "as a curse instead of a blessing to the country," adding "it is even a question whether an order issued throughout the country to apprehend and confine them, would not do more to put a stop to theft and robbery than any other measure that could be adopted." With the materials which alone exist for a police force an efficient superintendence is essential; but it is wretchedly inadequate. Mr. Halliday considers "no provision for superintendence adequate which does not at least supply one capable and trustworthy magistrate for every two, or, at most, every three thannahs;" but the actual provision is, on the average, one for every seven and a quarter thannahs. The magistrates, too, are inexperienced, and too frequently unqualified; and the result of the whole is the popular conviction, as stated by Mr. Halliday, "that dacoity is bad enough, but that the subsequent police inquiry is much worse." Matters, too, so far from improving, are getting worse. Mr. Halliday admits it to be "a lamentable but unquestioned fact, that the rural police, its position, character, and stability, as a public institution, have in the lower provinces deteriorated during the last thirty years; and that our magistracy is losing credit and character, and our administration is growing weaker," adding, "and I grieve to be obliged to affirm that the evil will infallibly increase within the next three years unless an early remedy be applied." The first duty of the country was to supply justice; but he had no hope that the Indian Government would agree to the requisite expenditure for adequately doing so, unless upon a declaration of the House of Commons. It was a most discouraging circumstance which had been stated by his hon. Friend (Mr. Kinnaird), that Mr. Grant's Bill had been stopped. By the present law, when the Government sold a zemindar's lands for arrears of his tax or rent, the whole leases granted by him became void; and it was not unusual for a zemindar to allow arrears to be incurred, in order to bring about a sale at which the lands were bought back for himself, in another name, to get rid of his own obligations and annihilate the rights of the tenants. Mr. Grant's Bill was to secure the leases of the tenants notwithstanding a Government sale; and it was this simple act of justice, in doing away an atrocious iniquity, that the Government had interfered to prevent being passed. He did not look upon the Amendment of the hon. and learned Gentleman (Sir E. Perry) as hostile, but simply as supplementary to the present Motion. For himself, he owned that without the declaration of the House of Commons he had no hopes of an amendment in the present system, and he therefore trusted that the House would raise its voice on the present occasion and accede to the Resolution of his hon. Friend.

Motion made, and Question proposed, "That, from representations made to this House, there is reason to believe, that the present administration of the Lower Provinces of Bengal does not secure to the population the advantages of good government, but that the mass of the people suffers grievous oppression from the Police, and the want of proper administration of justice."

MR. VERNON SMITH said, his hon. Friend who began this discussion had observed that it was desirable for this House to interfere occasionally in the affairs of India, were it but to exhibit some tokens of sympathy with the Natives. In that opinion he entirely concurred. He concurred in it, not only because he was anxious that such sympathy should be expressed, but for his own sake, and that of any person who might hold the office which he filled, because he conceived that some expression of public opinion in this country, and some assistance from the House of Commons, might be necessary in many cases to redress grievances, and enforce remedies which otherwise, from want of motive power, they might not be able to carry into execution. In all that his hon. Friend said in this respect, therefore, he entirely concurred; but when his hon. Friend (Mr. Dunlop) expressed his surprise at the apathy of the House of Commons on this question, adding that the indifference of hon. Members had nearly led to a count-out, he must say that he could not entirely coincide in this view. He owned that it was sometimes difficult to secure that attention to the concerns of India which the importance of the subject demanded; but he believed that that attention would be secured by Motions brought forward carefully and deliberately upon specific questions upon which the House was called upon to legislate and to act; and he must say that the present did not contain Resolutions of that character. It might reasonably occur to hon. Gentlemen that a Motion calling for inquiry after inquiry had been carried to the utmost, and when everything that could be known was already known, not only to this House, but to the country, was not a proposal of that practical nature to call for their attention. What had taken place that evening? The speech of the hon. Member for Perth (Mr. Kinnaird) consisted of one continued series of extracts from papers now before the House, and the hon. Gentleman who followed him, thinking he had omitted one or two passages from those papers, said he would supply the deficiency. The supporters of this Motion, therefore, themselves proved that all the information which could be asked for was already in the possession of the House. His hon. Friend appeared to have felt the difficulty attending his Resolutions, for he had altered them two or three times. His original proposition was, to call the attention of the House to the petition of the missionaries in Bengal, and for an Address to the Crown, praying it to issue a Commission, as suggested by those gentlemen, to inquire into the grievances of which they complained; but he had since altered the Resolutions repeatedly, until at last they assumed their present form. Now, in his (Mr. Vernon

Smith's) opinion, the Resolutions were such as, though they might be considered very harmless, the House ought by no means to adopt. His hon. Friend was for an entire change in the constitution of the Indian Government, finding fault with everything done in India, and among other things, with the zemindary system in the Bengal provinces; yet his hon. Friend was obliged to acknowledge that that system was founded by Lord Cornwallis, the fact being also that it was coincided in by everybody here, and was considered very beneficial to the people of India. That system, moreover, was a permanent one, and could not be disarranged without a complete convulsion in the system of tenure in India. No such result, however, would ensue from the vague Resolutions submitted to the House, nor had his hon. Friend ventured to suggest that this system should be abolished. With respect to the land tenures of India generally, it must be remembered that there were two other systems there besides the zemindary, and he (Mr. Vernon Smith) had heard fault found with all of them; and so it must ever be in countries where a land tenure obtained. Was the tenure of the soil agreeable to both landlord and tenant in Ireland? Could we even point to a perfect system as existing in our own country? His hon. Friend seemed to think that perfection was compatible with government in India. All he (Mr. Vernon Smith) could say on this subject was, not that there was perfection in India, but the government was progressive, and that the land tenures there had not led to many of the evils which in some other countries had arisen. His hon. Friend asserted that Lord Dalhousie, had he still been Governor General, would have consented to the appointment of this Commission. Now, unless his hon. Friend spoke authoritatively, and after personal communication with Lord Dalhousie, he (Mr. Vernon Smith) ventured to deny that statement, and to express his belief that his Lordship would have been the last man in the world to issue such a Commission. Lord Dalhousie was a man of very determined character, and not likely to allow his functions as Governor General to be superseded by any Commission whatever. But then his hon. Friend compared this with the Torture Commission, and with the Commission issued to inquire into the treatment of lunatics in Scotland. He was happy to hear his hon. Friend acknowledge that there were some grievances to be redressed in his own country, but Commissions of the kind he had mentioned differed very much from a commission to inquire into the administration of justice, of police, taxation, and every question which could concern the Government in India. How would his hon. Friend, if Governor General, like to have a Commission issued which would supersede all the executive functions with which he had been invested? He repeated his certain belief that Lord Dalhousie was the last man to have allowed the appointment of such a Commission. But his hon. Friend stated that the missionaries had applied to the Government, and that they had received the usual official answer. If his hon. Friend meant to imply by that that they obtained nothing definite in reply, all that he could say was that they received a detailed and reasoned answer upon every part of their statement, and that they were informed that inquiries were then going forward under the eye of the Government. The best answer, however, to his hon. Friend's proposal was that his hon. Friend had been forced that evening, in support of his case, to quote from the Minute of Mr. Halliday, who was not an independent or nameless individual supposed to know nothing of the matter, but the Lieutenant Governor of Bengal. Mr. Halliday admitted many things which his hon. Friend urged; and how could his hon. Friend say that further inquiry was needed when all the facts which he had presented were derived from a paper furnished by a high official of the Bengal Government who was perfectly cognizant of the whole question? He believed that no man knew more of the native character than Mr. Halliday; he was intimately acquainted with all the languages, and he had had opportunities of intercourse and information which few men possessed. With respect to the general assertions of his hon. Friend, he (Mr. Vernon Smith) was bound to say that having watched them closely to ascertain if he could derive any practical suggestion from them, they consisted, he was sorry to find, of vague declamation on the persecution of the ryots and the distress of the peasantry, without any specific facts. Mr. Halliday's Minute was dated April, 1856, and upon one point only of his hon. Friend's remarks, he (Mr. Vernon Smith) admitted that there was no answer—namely, that it had not been sent home, and presented officially to the House. The usual course, in the case of a representation being made by a subordinate official, was to send it to the Governor General, who read and reported on it, and sent both home. That had not been done in this instance; but it happened, perhaps, because the Governor General had thought it advisable to retain it, as the matters to which it referred were to be made, for the most part, the subject of legislation in the Council. For that omission the Government certainly was responsible. The chief allegations which his hon. Friend had brought forward were that there was a deficiency in the police and in the administration of justice in India. He conceived that the answer to those allegations was to be found in the papers already presented to the House. [Mr. KINNAIRD: No, no.] His hon. Friend denied that. Then he would call into court the paper which his hon. Friend himself had read — a despatch from the Court of Directors on the subject of police. It began in this way —

> "Our attention has been directed on various occasions of late to the character and proceedings of the police in different parts of India; and the reports which from time to time have been laid before us have combined, with many incidental notices of failure or abuse, to deepen the conviction that an immediate and thorough reform of the police in all the old provinces of British India is loudly called for."

What more complete admission could his hon. Friend have—what could he desire more than that? [Mr. KINNAIRD: Nothing has been done.] No, nothing has been done; but if his hon. Friend imagined that these things proceeded with greater speed in India than elsewhere he was very much mistaken. Let him look at home. Here we had agitations for reform, and questions mooted, discussed, introduced into Parliament, thrown out, reintroduced, and so on year after year; but when he compared such measures as those with the organization of a new system of police all over the enormous territory of India, equal in extent to the whole of Europe, he should like to know at what pace his hon. Friend was so desirous of travelling when he complained that measures were not yet carried into execution which had only been pointed out in a despatch from the Court of Directors dated September, 1856. They went on in that despatch to say—

> "That the police in India has lamentably failed in accomplishing the ends for which it was established is a notorious fact; that it is all but useless for the prevention, and sadly inefficient for the detection, of crime is generally admitted."

Mr. Vernon Smith

They further said it would be necessary to make material changes in the constitution and organization of the police, and, after remarking upon the satisfactory police establishments in the Punjab, they concluded as follows:—

> "And we desire that you will take the subject into your early consideration, and, after communication with the other Presidencies, report fully to us your sentiments as to the expediency of the general re-organization of the police throughout India, upon some such system as that which obtains with respect to the police in the Punjab, or perhaps the constabulary of Ireland, and as to the mode and cost of the proposed reform."

It would be impossible to frame a stronger despatch than that, even after hearing the speech of his hon. Friend. Mr. Halliday's Minute gave rise to the petition of the missionaries which his hon. Friend had presented; but what was Mr. Halliday's opinion of the petition itself? He said that it was a picture founded doubtless on some isolated facts which had occasionally come to the knowledge of missionaries in the Mofussil; but he added that it was not by any means an accurate representation of the state of the actual relations between landlord and tenant, and he expressed his absolute dissent from the statement that the people exhibited a spirit of sullen discontent on account of the miseries ascribed to them, and that there existed among them that bitter hatred to the Government which had filled the memorialists, as they declared, "with alarm as well as sorrow." Mr. Halliday then proceeded to say that he had under consideration means of improving the relations between the Zemindars and the ryots, and that a Bill upon the subject would shortly be placed before the Legislative Council. That was in September, 1856; and there was no doubt, when the Council met for the winter session, that they would take these subjects into consideration. So that there was a remedy proposed for the very grievance which his hon. Friend the Member for Greenock had so loudly and so justly complained of. The memorialists proposed that there should be a Commission appointed of men of independent minds, unbiased by official or local prejudices; but where, he asked, were they to find such men? Did they expect to find them in India? At the moment, however, that that Commission was prayed for by the missionaries, it was a curious fact that another and a different memorial was presented from the indigo planters and committee of the British Indian Association. The prayer of the memorial was, that a Commission might be issued "for a searching, patient, and unbiased inquiry into the social evils of those provinces; namely, whether they be to any and what extent caused by the landed system, the planting interest, the Mahajunee dealings, the Foujdary and Dewanny administration ; also, whether to any and what extent by the well-intended efforts and zeal of professional Christian missionaries." Did the hon. Member for Perth believe that it would conduce to the well-being or good government of British India that one Commission should be issued at the instance of the missionaries and another at the desire of the indigo planters? Such a course would excite dissension between landlord and tenant, would set class against class, injure the cause of religion, and make confusion worse confounded. That would be the inevitable result if the prayer of the missionaries were granted, which the hon. Member himself had shrunk from recommending, limiting himself to proposing Resolutions which were mere milk and water compared with the demands of his clients. The hon. Gentleman asked for inquiry. By whom was the inquiry to be instituted? The Government were already prosecuting inquiries, as he had shown in every instance, and were either acting, or would act, upon the result of those inquiries. Then came the question of the administration of justice in India, which was undoubtedly a question of great difficulty, which stood in this position in 1853, when the Act was altered, and before the Committee on Indian Territories of 1852 the whole question was fully discussed. The Committee had the advantage of hearing the evidence of the hon. Member for Devonport (Sir E. Perry), who had then just returned from India, and of many other gentlemen thoroughly conversant with the subject. Pending that discussion the right hon. Baronet now First Lord of the Admiralty (Sir C. Wood), who then presided over the Board of Control, appointed a Commission on the administration of justice in India, composed of men of the very highest ability. At the end of three years, for which it had been appointed, the Commission presented a Report expressing very definite opinions. He (Mr. Vernon Smith) regretted to say that a lamented personal friend, now no more, the late Lord Chief Justice Jervis, was rather offended because the recommendations of the Commissioners were not at once embodied in an Imperial Act, as was also the hon. Member for Devonport (Sir E. Perry), who was happily still alive. However, when those recommendations were known in India there came from that country a shout of disapprobation, and a gentleman had been sent over to England, commissioned by a numerous constituency, to impress upon him the necessity of not complying with those recommendations. He had foreseen this; and he had not, therefore, adopted all the recommendations of the Commission. The consequence was, that four Bills to carry out the law procedure propounded by the Commission, and four founded on the Report of Mr. Macaulay, which hung fire when first it came out, were before the Legislative Council, and under discussion. Those Bills had been read a second time, and were undergoing full consideration in India. For his own part, he could not regret the delay that had occurred. The whole government of India was founded upon the principle of acting cautiously and deliberately in everything. That might have been carried too far in some instances, but such had been the principle always acted upon. It was impossible, however, to say that there had not now been a sufficient consideration given to the subject; and he (Mr. Vernon Smith) hoped that by the end of the year the House would see the remedy for the evil which existed put into the form of a law by the Legislative Council, for adoption by Parliament. The Chairman of the Board of Directors had corrected the hon. Member for Perth during his observations respecting Mr. Grant's Act; and as to the question of putting an end to swinging and other horrible practices, it must be remembered that that was a very delicate matter. The hon. Member must be well aware that it was not possible for the Indian Government to put a violent end to all the objectionable practices which prevailed in India. Infanticide, however, and the practice of Meriah sacrifices had been stopped, and it was acknowledged that much had been done by degrees to repress the cruelties which disgraced society in India; but it had been done quietly and calmly, without offering violence to public opinion in that country. To make any open attack upon the prejudices of the Natives would not fail to lead to very dangerous consequences, and so far from putting an end to such horrible practices, would only inflame the minds of the Natives, and cause them to adhere still more closely to their ancient customs. The hon. Member for Perth asked whether the Governor General and the Court of Directors were aware of those things which he had mentioned. It was quite certain that the Governor General must be aware of them, because it was obvious that he had read the Report of the Lieutenant Governor of Bengal. The hon. Member for Perth appeared to doubt that fact, but he could not seriously want that confidence. That House must, also, have been fully aware of the state of affairs, because the papers which had been laid upon the table placed them in full possession of all the circumstances, and if any further information were required the Government would be quite ready to give it, if possible. He (Mr. Vernon Smith) was anxious to give the fullest information upon any point, whether as to the spread of education in India or any other matter. Those were practical questions, but the Resolutions submitted by the hon. Member would, if agreed to, end in nothing, containing, as they did, a simple declaration of facts which were known to all, and asking for inquiry, which was actually in progress. Such being the apparently harmless character of the Resolutions, he might be asked why he objected to their adoption. His answer was, that he did not wish to propagate in India a notion that there was to be any new Commission to supersede the Government in its functions, and thereby shake the confidence of the Natives in its power. He was bound to say, although he did so with regret, that he must object to the Resolutions, as tending to excite a belief in India that the gentlemen who had forwarded the memorial were the persons to whom the Government of that country should be intrusted. He had the very highest respect for those earnest and excellent gentlemen who were exercising their vocation quietly, and, he hoped, were gradually extending the blessings of their religion throughout India; but it would greatly interfere with the success of their religious efforts if it were to be supposed that they had power to direct the legislation of India, or to override the Government of that empire. He did not wish to alarm the House or the public, but he could not forget the circumstances which had recently occurred in India—circumstances which all must deeply regret. There had arisen a great agitation among the troops, not generally, but as he trusted among a few only, and speedily to be repressed. The discontent in some regiments had been already repressed with the consent of the Natives themselves, and he had pleasure in stating that a non-commissioned officer of the 34th Native Regiment, who confessed his crime on the gallows, was condemned by persons of his own religious persuasion, some of whom were officers in his own regiment. Still it could not be disguised that there did prevail considerable disaffection among the troops in consequence of a prevalent notion that a compulsory conversion of the Natives was intended. He would put it to the hon. Gentleman and all who had the interests of the country at heart, whether it was advisable, under the circumstances, that a notion should go abroad that missionaries who were engaged in their vocation in India were able to wrest the powers of the State from the Government, and exercise them just as they chose. To justify himself in what he had just said, he asked the House to listen to one or two sentences in the petition which the hon. Member had presented to the House. The petition stated—

> "That your petitioners have reason to believe that there is a vast amount of social disorganization and of consequent suffering in the whole country. Much of this your petitioners can trace to the fearful superstitions of the people, to their ignorance, and to the debasing effects of a popular mythology, which presents examples of every vice, and which ascribes sanctity and divine honour to a priesthood which is the principal curse of India."

Now, whether that was true or not, he asked the House whether it was fit to found a Commission of inquiry into the social condition of India on the request of persons with such language in their mouths? The missionaries said they were the mouthpieces of the ryots; but were they the mouth-pieces of the ryots when they said that their deities were the degraded idols of every vice, and their priesthood the curse of the people? Nor was it necessary that they should be. There was a mouth-piece for the ryots in the Government of India, and he was prepared to show that that Government did make themselves their mouthpiece, and take into consideration every claim that came from them. He repudiated the notion that the Court of Directors or the Government of India would not be ready to speak on behalf of the ryots if they were in a state of degradation and social disorganization. That a great deal remained to be done, and ought to be done, he never meant, and would be the last to deny; but the Government of India was a very difficult problem. That Government had to throw their shield over the people, to advance them in every kind of civilization, and to endeavour to give them that happiness which they had not under their native chiefs, for he never would admit that they were less happy now than when under their native chiefs. If it could be said with truth that they were less happy, he should say that the Members of the Legislature should not sit in their present small conclave, but ought in full assembly to deliberate from day to day on the condition of India. But he did not believe such to be the case. He believed that the condition of the Natives of India had improved under the Government of the Court of Directors; but when the Court of Directors assumed that government they had for a long time to continue many of the institutions of the Native chiefs, and to endeavour to adapt them to new circumstances, and still the problem to be solved was how to awaken the desire in India for European institutions, and to adapt them to Oriental customs. That was a problem of the greatest difficulty, which he hoped to see solved. It would be the anxious care of the Indian Government to improve the condition of the people of India; but the House would not do well to allow them to be thwarted in their efforts to make that improvement by the interference of missionaries calling for Commissions of inquiry, but which he called commissions for delay. There was one expression of Mr. Halliday in the document referred to by the hon. Member which, strange to say, he had forgotten to quote. It was, "the time for investigation was over, and the time for action come." He agreed in that, and was therefore of opinion that if the House wished to do anything for the benefit of the people of India they should do it through the legitimate Government they had established, and not thus surreptitiously, at the instance of men, worthy and respectable, no doubt in their own way, but who were likely to create hostile feelings amongst different classes in India, and who might therefore unintentionally cause evils worse than those they desired to remove. By the action of that legitimate Government he earnestly hoped that all the evils complained of would shortly be remedied, and he trusted the hon. Member would not press his Motion to a division, for if he did, he (Mr. Vernon Smith) must oppose it.

Sir ERSKINE PERRY agreed with nearly all the observations which had been made by the President of the Board of Control; but hon. Gentlemen must have remarked that those observations addressed themselves, not to the Resolution now before the House, but to the second Resolution, which had not yet been proposed. The right hon. Gentleman had admitted that the main complaints of the missionaries were well founded, and had declared that Mr. Halliday in his Minute had admitted all the grounds upon which the hon. Member for Perth based his statement. Against the adoption of the first Resolution the right hon. Gentleman had advanced only one argument—namely, that it would appear to the Indian world as if Parliament and the Government were led by the missionaries. It was to be hoped the House would not be influenced by such an argument as that. If the missionaries had given a truthful description of evils which it was within the power of the Government to remedy, he trusted the House would not be deterred by innuendoes with respect to missionary influence from doing its duty. He, for one, had no connection with Exeter Hall, but he respected the missionaries for their earnest endeavours to civilize the inhabitants of India. He was bound to consider the question whether the statements in the petition were true, and whether the missionaries had enjoyed full opportunities of informing themselves upon the subject. He declared boldly, and in the presence of many hon. Gentlemen better acquainted with India than himself, that no Englishman could be compared to the missionary for opportunities of inquiring into the social condition of the peasantry in Bengal. The House had been told that Mr. Halliday had great knowledge of the country. He had the honour of knowing that gentleman very well, and he also knew what the life of a great official in India was. He was occupied all day in reading or writing long minutes. He lived in a palace at Calcutta or Bombay. He talked with persons who brought him official representations of the condition of the people, but he never came in contact with the great body of the inhabitants in such a manner as to elicit the truth from them. The missionary, on the contrary, visited the people in their huts and cottages, and by personal inquiry made himself acquainted with their wants and grievances. But the missionaries were not the only witnesses relied upon by the hon. Member for Perth. Their statements were confirmed by the Minute of Mr. Halliday and by the important body of indigo planters in the provinces of Bengal and Tirhoot. And it was important to remark that neither the missionaries nor the indigo planters were likely to make groundless complaints against the Government of India. The former, in carrying on their operations, depended a great deal upon the indirect assistance which they received from the Government. To be well received by the different official personages throughout the country, to have it seen that they were not pointed at with the finger of scorn, was so essential to the success of missionary enterprize that, as the House might well suppose, the missionaries would be the last to point out evils of administration which occurred under the government of their friends and hosts. So also with the indigo planters. There were not more than 312 of them located in India; they had been there for many years; they lived under the direct protection of the East India Company, and from 1813, when, having joined in the struggle against the East Indian trade monopoly they were reminded by Mr. Grant, the Chairman of that day, that they were in the enjoyment of certain remunerative monopolies of their own, down to the present day they had never once lifted their voice in favour of improvement in the administration of Indian affairs. At last, however, they had opened their mouths, and they confirmed every statement in the petition of the missionaries. They said that the police, instead of giving security, were the terror of the people and the instruments of cruelty and oppression; and that the district courts and magistrates were so inefficient that they were obliged to protect themselves and adopt a system of club law to maintain their rights and possessions. The House would remember that upon a former occasion he presented a petition from the wealthiest, most intelligent, and most influential native inhabitants of Calcutta, who stated that the Company's Courts were most unsatisfactory, the Judges being remarkable for their ignorance and want of legal training. But their evidence presented no new picture to those acquainted with India. During the inquiry which took place in 1853 competent witnesses were examined as to the administration of justice in that country, and their statements clearly proved that the native inhabitants were entirely satisfied with the Queen's courts. It was said that their proceedings, like those of English courts generally, were expensive; but he knew that the Court of Directors had exercised their influence to prevent the Judges of those courts diminishing the cost of proceedings. He and his colleague, Sir Lawrence Peel, had tried to reduce those expenses at Calcutta, but they had been thwarted in their attempts by the Company. The evidence given before the Committee with respect to the Queen's Courts in India was extremely favourable, but the evidence given as to the operation of the Company's Courts was quite the reverse, and showed that the Judges were incompetent, from want of legal training. When he stated before the House of Lords that young civilians of twenty-two years of age heard appeals from the decisions of native Judges of double their age and experience he was not believed. The great complaint in Bombay was against boy Judges without legal knowledge or training, unchecked by the Bar or the public press, sitting on appeals and disposing of the rights of Native subjects. In Bengal, the defects in the judicial system were quite as great but of a different character. They were not so young, but equally untrained in judicial duties, and equally inefficient. They were taken, after twenty years' service, from the revenue and political departments, and their previous career entirely incapacitated them for judicial duties. It was admitted in 1853, as it was admitted now, that some action was necessary for the improvement of the administration of justice; but no improvement had taken place. It was admitted by Mr. Halliday himself that matters had even deteriorated since that period. He saw last year an account in an Indian newspaper of a gentleman, Mr. Raikes, being appointed to the Supreme Court of Agra, and yet he had never before been in the judicial service. Another appointment, that of Mr. Brown, was still more startling. That gentleman had been turned out by the Bengal Government from the office of Commissioner in the district where the Santhal insurrection took place. The despatch reinstating him was published in the Indian paper, and the writer of the despatch, Mr. Halliday, said, "he caused a letter to be written to Mr. Raikes, in which he recapitulated to him the occasions in which he had incurred censure on account of the exaggerated views he took of the danger, and the disturbed state of his mind." But the Bengal Government said, "He'll do to make a Judge of—he is not equal to any higher duty than that of a zillah Judge," which was equal to a judge of circuit in this country. Now could the House wonder, if such was the stuff their Indian Judges were made of, they should have missionaries and indigo planters loading the table of the House with petitions about such appointments. He quite agreed with the right hon. Gentleman the President of the Board of Control that the time for action was come. So thought the right hon. Gentleman's predecessor in 1853, but his views had not been correctly described by the right hon. Gentleman. The predecessor of the right hon. Gentleman, when he introduced the measure for the reform of the Indian Government, admitted the necessity of a complete reform, and intimated an intention to amalgamate the Company's and Queen's Courts—in other words, to place them under the authority of men trained in the law. But it was necessary that a code of procedure should first be drawn up; and in that task the Government were assisted by some of the most eminent men in this country, including the late Chief Justice of the Common Pleas, the Master of the Rolls, and Sir E. Ryan. After patient and arduous exertion, they drew up the most simple and complete mode of procedure which, perhaps, the world had ever seen. He did not agree in all its details. One of its principles he entirely dissented from, namely, that which proposed to place the Judges of India under the control of the Governor General. The experience of a century had proved that the independence of the judicial bench of the Government of India was the main cause of the Judges possessing the confidence of the people. With that exception, he approved of all the propositions of the Commissioners. The present head of the Board of Control, instead of adopting that code, said he thought it best to refer to India for a Report; but it appeared that the right hon. Gentleman had referred to India, not for a Report, but for legislation. With great deference, he thought the right hon. Gentleman had committed a grave constitutional error in delegating to an inferior body, composed almost entirely of officials, a duty which it was the peculiar province of the Imperial Parliament to perform. Besides the fact that this small body could not for a moment be put in competition with the great legal authorities whose names he had mentioned, they were the very civilians in India against whom objection was made, and it could not be expected they would pass a self-denying ordinance, saying, "We are unfit, therefore turn us out." To prepare a code, the Commissioners were perfectly competent; but another duty which they could not perform was equally imperative on the Government, namely, to make a complete change in the class from which the judges were chosen. He was glad to observe the hon. Gentleman the Member for Leominster (Mr. J. P. Willoughby) in his place, and he could tell what line of argument the hon. Member would likely adopt if he addressed the House on this subject. The hon. Member would probably say that if English lawyers were to be sent to India to fill judicial offices, a great mischief would be done. That had been the cry of the Civil Service of India for years—indeed, ever since the Queen's Courts had been established. But he (Sir E. Perry) contended that they were not admissible witnesses on the question, because they spoke in their own case. The people entitled to speak and to be heard on that question were the Natives of India, who smarted under the one and profited by the other. He would make one remark before he concluded, and he thought it was a very pertinent one. It was that the House ought never to forget, in all their considerations as to the Government of India, the very few points of contact which existed between the Indian and the European races, and that there were prejudices on both sides which kept them asunder. There was only one field on which they could meet on a footing of perfect equality, and on which Europeans could be always benefactors to the Natives of India without the display of any arrogant superiority, and that was the field of justice. Before the majesty of the law there was, or ought to be, no respect of persons, and he was satisfied that the greatest boon which could be conferred by Parliament on the people of India would be the establishment of a system of judicature in which the Judges should be trained lawyers and experienced men.

Lord JOHN RUSSELL said, I will not long stand in the way of my hon. Friend the Member for Guildford (Mr. Mangles), who wishes, no doubt, to express the sentiments of the Court of Directors on the subject under consideration. I must express my satisfaction that the discussion has proceeded. I think it would have been a great misfortune if the very able statement of my hon. Friend the Member for Perth (Mr. Kinnaird), founded, as it was, on documents so much entitled to respect, had been allowed to go forth to the world, with the accompanying announcement, that not forty Members were present in the House to give the subject their consideration. I cannot but consider the question in itself as one of the greatest importance ; but I entirely concur in the argument of my right hon. Friend the President of the Board of Control against the expediency of further inquiry. I believe, in common with my right hon. Friend, that the appointment of a Commission in reference to a subject so extensive, and involving so completely all the ordinary duties of a Government, would amount to a practical supercession of the executive in what might fairly be considered their own special functions. But, above all, I agree with my right hon. Friend that inquiry in this case has already, as stated by Mr. Halliday, been pushed to the utmost possible extent, and that the time has come, not for investigation, but for action. Mr. Halliday goes on to state that the only effect of inquiry will be to retard the application of those remedies which the existing state of things requires. While I agree with my right hon. Friend in that respect, I must also agree that it is not expedient for the House at the present moment, and in the present state of the House, to assent to a Resolution so broadly condemning the Government of India, and declaring that it does not secure to the population the advantages of good government. While I think there are serious faults in that government, I cannot say that a remedy would be secured by the adoption of so broad a Resolution. What, then, is the course to be adopted, which, as far as I can judge, the Government of India is not disinclined to adopt, although that is a point on which the House has not received that sufficient assurance from the President of the Board of Control which I could have desired. The evils are unquestionably of the greatest magnitude. Mr. Halliday, in a Minute which is not before the House, but, at the same time, to a great degree, a Minute which is upon the table, states, in the first place, that the police is defective to such an extent that the persons composing it are in a greater proportion criminals, and criminals guilty of some of the worst offences against society, than the rest of the inhabitants ; and the result is that if a man does get this so-called protection of the police he becomes afterwards a marked object of revenge, and, instead of obtaining redress from injury, he is exposed to further injury by the very process to which he had recourse to procure redress. It was further stated, and not contradicted, that the people were willing to pay for the advantage of being relieved from the presence of the police. That is a very great evil with regard to the police. In the next place, Mr. Halliday states that the courts of justice are insufficient, and that, far from having been improved of late years, the time during which the Judges have received instruction, and have had some sort of probation, is a much smaller number of years than heretofore, and that from the great extent of territory over which each Judge is appointed there is no sufficient administration of justice. Now, these facts almost justified the Resolutions of his hon. Friend, since there is nothing more important to a people than to be protected in their lives and property, and there is no greater object in which a Government can be interested. A man cannot when his property is taken away from him or when his person suffers from injury obtain redress if there is no court which can afford him that redress. These, however, are matters which do not necessitate inquiry, but, according to Mr. Halliday, they admit of remedies which may in no very long time be applied; and with regard to the first evil—the police—the remedy seems to be to find persons more trustworthy, to give them higher salaries, and, by showing that their position shall be such that they will lose that salary by misconduct, they will have great inducements to good conduct and the regular performance of their duties. But, then, that which seems so simple a remedy, and one which we should probably adopt if the subject for the application of it was in London and not at Bengal, is objected to on the ground of imposing additional burdens on the finances. There is no subject on which the Government ought to be more cautious than that of increasing the burdens on the finances of India ; but then this is an object so vital and important in itself that I cannot conceive that any man would say we cannot carry on the Government and cannot protect life and property, because we have not the means of doing it. Economy and retrenchment are very necessary in many things, but economy and retrenchment may be carried to the point of refusing justice, and of not affording protection to life and property; and a Government which refuses justice and protection by a proper police ventures upon a retrenchment which defeats its own object by impoverishing the subjects. Then comes Mr. Dorin, and he, differing from Mr. Halliday, says it is a law of nature, in such a population as this, that there should be nothing but tyrants and slaves; and he seems very tranquilly to make up his mind that there are tyrants and slaves in that community, and that tyrants and slaves there must ever be. I should say, no doubt, that the timid and unwarlike character of the population has been the great means by which we have been enabled to conquer that country, and establish over it the government of Great Britain, and that we have no right after that to turn round on them and reproach them with their timidity, and say, we do not mean to give you that full protection which is necessary and desirable. I cannot but hope, therefore, that the Government—willing as I believe they are to remedy these grievances, and agreeing as they probably will with the views expressed by Mr. Halliday—will not be induced by any financial considerations to hesitate to apply what seems a practical remedy. The question with regard to courts of justice appears to me to be attended with much greater difficulty. Young men, who are not even barristers of three years' standing, but who have been placed for three years under a particular course of education are placed in a very important position as Judges; and my hon. Friend who spoke last stated that he had frequently heard of instances in which talented men, possessing high qualifications, had been placed in the revenue departments, while the least qualified men received appointments in the department of justice. That may be so, but the most distinguished of the Governors of India have always been of opinion that the departments of revenue — involving, as it does, many considerations of justice, and to a great extent the good treatment of the people—is one which ought to be supplied with the best qualified servants who can be obtained. If that is the case, however, it is necessary to provide some means of supplying the deficiency with regard to men who are qualified to occupy the position of Judges. It has been proposed by some persons that the revenue and judicial offices should be combined. Another proposition, made by my hon. and learned Friend the Member for Davenport (Sir E. Perry), is, that Englishmen who possess a competent knowledge of the law should be sent out at once to fill the office of Judges in India. Another suggestion is, I believe, that there should be a considerable increase in the number of Judges. The evil is one of such magnitude that I think the Government ought to consider at once which of these various propositions would best tend to the satisfactory administration of justice in Bengal. I will not venture an opinion as to which of the suggestions it is most advisable to adopt. Undoubtedly, if you had a sufficient supply of men who to the other necessary qualifications, added a knowledge of the language of the people in the particular districts in which they were to administer justice, they would be far superior to the men who are generally sent out from England without that qualification; but if such a supply does not exist, and cannot be created for a number of years, I think the proposition of the hon. Member for Devonport is well worthy of consideration. If any other more efficient plan can be suggested, let the Government adopt it. The wrong is one which requires a remedy; that remedy is not so simple and easy as in the case of police; but I think the Government and the Court of Directors are bound to give their immediate attention to the subject. I cannot doubt that they will do so, and I am satisfied that when Mr. Halliday's Minute is received here, accompanied by the opinions of the Governor General and the Members of the Council, the question will be taken into immediate consideration. Upon the whole, I rejoice that my hon. Friend (Mr. Kinnaird) has brought this subject before the House, although I do not think the two Resolutions which he proposes will effect the object he wishes to attain. After the speech of my right hon. Friend the President of the Board of Control and from what I know of the disposition of the Court of Directors, I do not believe there will be any unwillingness on their part to adopt the remedial measures which are necessary. Undoubtedly, with regard to India, and perhaps in the case of this country, we are slow in making requisite changes. One member of the Council of India—Mr. Grant, I believe—says he has known many good plans considered and afterwards thrown aside, owing to the desire to attain perfection. I think Mr. Grant is very right in saying that the better course would be to improve the system as far as you can at once, and to trust to the possibility of effecting further improvements by degrees. I certainly am not willing to vote for the Resolutions now before the House, but I trust the Chairman of the Court of Directors will add his assurance to that which we have received from the President of the Board of Control, that they regard this subject as one of paramount importance, and that, however strongly they may be disposed to introduce economy into other branches of the service, they will not deal with the department to which this discussion has referred in any parsimonious spirit; and turning to the Government, I would express a hope that they would be a little less prone to enter into quarrels with neighbouring powers, for I would rather that retrenchment and economy should be displayed in any other manner than in witholding from the people of India that justice to which, on every consideration of the duties we have undertaken, and the Acts of Parliament we have passed, they are fully entitled.

MR. MANGLES said, he hoped the House would extend to him its indulgence while he attempted to offer to it some explanation in reference to the observations which had fallen from the hon. Members by whom he had been preceded. He should, in the first place, state, in answer to an appeal made to him by the noble Lord, that he would willingly venture, on behalf of the Court of Directors, to give to the noble Lord and to the House the pledge which he asked,—that no considerations of economy should stand in the way of their affording to the people of Bengal —the presidency which was especially the subject of consideration—the best judicial and police systems which could be devised. He regretted that the hon. Member for Perth, who was not then in his place, had not been candid enough to refer to a despatch from the Court of Directors to the Governor General with reference to the police system in Bengal, which had been written before Mr. Halliday's Minute reached this country, and before it was known that the subject was under the consideration of the Indian Government. That despatch showed the answers of the Court of Directors in the matter of police reform. It stated that "the majority of the principal officers of the native police are much underpaid, in relation not merely to the importance of their functions, but even to the necessary expenses of their employment in the public service and of their social position," and added that their salaries must be placed upon such a footing as would "render the tenure of their respective situations an advantage not to be lightly risked for the sake either of factitious and temporary credit with their superiors or of illicit gain." He entertained the most unaffected respect for the whole body of missionaries in India, and especially for some of those gentlemen who had signed the petition, among whom was the Rev. Dr. Duff, a Christian minister of the greatest worth, and whose opinions were well entitled to consideration; but at the same time he must say he thought they had acted with singular want of judgment in this matter. He would tell the House why he entertained this opinion. He believed that for very many years to come the greatest difficulty of the Indian Government would be to hold the balance evenly and secure the safety of all classes while the great experiment of the attempt to convert the people to Christianity by the means of Missionary efforts was in progress. It might be presumptuous on the part of any man to attempt to define the designs of Providence, but he had no doubt whatever in his own mind that Providence had been pleased to place the magnificent Empire of India in our hands in order that in due time we might be the instruments of converting the inhabitants to Christianity. Mr. Macaulay had said in one of his able essays, that for a man to desire the propagation of Christianity in India it was not even necessary that he should be a Christian, it was sufficient that he should not be much below the ordinary level of European good sense and benevolence. In that opinion he entirely concurred, and he believed that the combined effects of good government, good education, and the labours of those excellent men to whom reference had been made, would be the gradual diffusion of Christianity. The great difficulty which the Government of India would have to contend with would be to keep the different classes of society from destroying each other while the great moral struggle was going on. No doubt, in the course of that struggle scenes of violence, such as those recorded in the Acts of the Apostles as having occurred upon the introduction of Christianity into the Roman empire, would take place, and he was sorry to be obliged to say that the line of conduct which the missionaries had taken up in placing themselves in a position of hostility towards the land-owners of Bengal, thereby enlisting against themselves the strongest secular feelings—the love of power and the love of money—as well as religious prejudices, had tended greatly to increase the difficulties of the Government. The House must not suppose that this petition to the Government of Bengal was the first act of the drama. No; the petition was only the consequence of antecedent events. For a long period a most angry controversy had been going on in the newspapers, pamphlets, and magazines between the missionary body and the zemindars and planters. He believed that the Hindoo religion was a most tolerant religion, and the people always entertained a real respect for any one whom they believed to be a devout man, whatever creed he might profess, and who preached to them what he believed to be the truth. As long as missionaries were content to do that alone, and to preach the gospel without being in any way connected with the Government, they would always have a fair field open for their labours. That such was the case was proved by the Scotch mission, whose schools in Calcutta, Chinsurah, and other places were the best in India, and always the fullest of pupils, even of the highest castes; and in them not only was the Bible read, but the whole doctrine of Christianity was propounded. He deeply regretted, both for the sake of the missionaries themselves and the cause which they advocated, that they had placed themselves in the position of having taken up a political line. The best friends of missions were now, he believed, of opinion that the Government ought to hold itself altogether aloof from the work of conversion, and leave that great work to the unaided efforts of the missionaries. And the converse of that position was equally true. The missionaries ought carefully to abstain from meddling with politics. Nothing was more dangerous than any interference with the religion of the people on the part of the Government. The unhappy spirit of disaffection which had manifested itself in certain regiments was, no doubt, based upon an ill-founded opinion that the Government had some intention of interfering with their religion. And, looking to those recent occurrences, he would venture humbly to suggest to the hon. Member for Perth that the present was a most inopportune moment, having regard to the missionaries themselves, for bringing forward such a motion. *Primâ facie*, no doubt, it wore a very bad appearance that Bengal, which was the oldest province in the hands of the British, should at that moment be in the worst condition, as regarded its internal administration, of all our Indian provinces. He admitted it was so; nevertheless, he could assure the House that great pains had been taken to produce a different state of things. It was necessary, however, to consider the causes which had led to such a state of things. The first cause was the rashness with which Lord Cornwallis, in spite of the remonstrances of Sir J. Shore, made a permanent settlement. He had an idea that the creation of a large class of landowners would remove all the evils under which the country laboured. He unfortunately, though warned against it, handed over the ryots to the mercy of the zemindars without the protection and without the recognition of their rights. The second reason was, that during long centuries of tyranny and oppression to which the Bengalese had been subjected, at the hands of one conqueror after another, all village institutions had fallen into disuse, and all village organization had been destroyed. The third was the unsuitableness of their judicial institutions, as introduced by Lord Cornwallis, to the peculiar feelings and prejudices of an Asiatic people. The people of Asia required to be governed by a ruler in whom all power, judicial and political, should be concentrated. They could not understand a complex system of checks and counterchecks. But the fourth, and most potent reason of all (and in this he was ready to support the opinion of Mr. Dorin), was the natural timidity, the utter want of energy and courage which characterized the Bengalese. A people who have not the spirit to maintain their own rights, and were content to submit to oppression from any one who chose to tyrannize over them, presented the greatest difficulties to good government. Mr. Marshman, who knew Bengal better, perhaps, than any man, described the task of governing the Bengalese as carving in rotten wood. You could not trust your instruments for a moment. The submissiveness of the people was a temptation for every person placed in authority over them to abuse his power, and, though you might remove one for doing so, his successor would be certain almost immediately to follow in the same course. Mr. Macaulay had described the inhabitants of Bengal as the most enervated race in India, and expressed a doubt if there were 100 genuine Bengalese in the whole Indian army. He (Mr. Mangles) doubted if there was a single one. Why, he did not believe that a robber had been resisted by a Bengalese from the commencement of history down to the present day. The whole population was prostrate with fear, and the East India Company would no more think of enlisting a Bengalese into their army than they would think of taking a monkey to make a soldier of. Such, then, was the material on which the Government of Bengal had to work, and he would appeal to the candour of the House whether they thought it an easy task to give good government to such a people? He had been that day in company with Sir F. Currie, who was secretary to Lord Hardinge during the expedition to the Punjab, and he told him that when the army was approaching the Sutlej and a battle was expected, the clerks who were attending the army—and who in common with most of the writers and clerks in the English service in India were Bengalese—sent a round robin to the Governor General entreating permission to go to the rear, and that they began their memorial with these words:—"It is well known to your Excellency's Lordship that the Bengalese are a cowardly people." He believed that the Bengalese were the only people, either in ancient or modern times, who would have admitted that cowardice was their national characteristic. Let him not, however, in making these remarks, be misunderstood. Notwithstanding the want of energy by which the Bengalese were characterized, it was our duty, he was ready to admit, to give them the best government in our power. But he did not look upon it only in the light of a bare duty; it ought to be a true gratification to provide for them the best scheme for the administration of justice, as well as the best system of police which it was possible to devise. And he could say that the earnest and anxious efforts of the Court of Directors were directed to the amelioration of the condition of India, and the extension among the people of that country of the blessings of civilization. Many improvements they had already introduced, and their attention was now turned to the redress of those evils that still remained. It had been admitted that something had been done towards the establishment of a better system of administering justice, and of reforming the police, and their best endeavours would continue to be directed to the introduction of similar measures of social progress. One word as to Mr. Halliday. No man was better acquainted with the Bengalese than that gentleman. He spoke their language like a Native, and knew the people, and was not a man, as the hon. and learned Member (Sir E. Perry) supposed, who was above going into the fields and conversing with the ryots while they were ploughing the ground. Mr. Grant, too, was one of the ablest Englishmen that adorned the civil service of India, but his hon. Friend, when quoting Mr. Halliday and Mr. Grant, ought to have quoted them fairly, and not confined himself to that which was in his favour, omitting everything that told against his own arguments, as showing what the Government had done and was doing for the amelioration of the condition of the people. He was astonished to hear his hon. Friend say that the missionaries were the only mouthpieces of the Indian people. When Mr. Halliday represented their grievances, as it had been shown that he had done by the hon. Gentleman himself, was he not one of their mouthpieces, and was not Mr. Grant, when he appealed to the Government at home to extend good government to them, was he not one of their mouthpieces? He would now address himself to the remarks of his hon. and learned Friend the Member for Devonport (Sir E. Perry) who said that the officials in India were not conversant with the native languages, as they were spoken. He would state what the Government of India had done in order to make sure that their officers should acquire the power of speaking the native languages. The young civilians who were to be employed in the service were taught the languages at college, which, of course, was not sufficient; but after they had entered on their appointments they had to go through two several examinations in the languages as spoken by the natives; and, at the last of these, as a test, they were given a report, written in that most illegible of hand-writing, the running hand of an Indian native, by a native policeman, which they were required to read, having then seen it for the first time, and to write a suitable order upon in the language as spoken by the Natives. A better test than that could not be applied to the colloquial knowledge of a language. His hon. and learned Friend had praised the administration of justice in India in the Supreme Courts by English Judges. In reply, he would read Mr. Macaulay's opinion on that question. [The hon. Gentleman then read an extract from a Minute of Mr. Macaulay, recorded in Calcutta in which he designated those courts as being utterly inefficient as a means of administering justice, because they were inaccessible, the expenses of judicial proceedings being five times as great as in England; and with respect to the officers connected with those courts he stated that in a short time they made larger fortunes than any of the civil servants could realise after thirty or forty years]. Mr. Macaulay spoke principally of Bengal, but added that the Supreme Court of Madras had fulfilled its mission; it had done its work so well as to be at a standstill, on account of all the suitors having been ruined — (fortunately for his hon. and learned Friend, Mr. Macaulay did not go so far as Bombay) —and he characterized these courts as the worst, and most full of abuses in the world. That was a description of the courts which his hon. and learned Friend wished to extend, and which he called the best in the world. [Sir E. PERRY: The Natives told me so]. Of course the Natives would tell his hon. and learned Friend so, and no doubt they also told him that he was the best judge in the world. His hon. and learned Friend had spoken of the collectors of the revenue. He begged to assure him that the functions of revenue collectors in India were not like those of a collector of assessed taxes in this country, but were in a very great measure judicial. Not only all suits for the recovery of rent, and complaints, on the other hand, of undue exaction of rent, but boundary disputes and other questions of great intricacy were frequently brought before them. In the case of the Commissioner, Mr. Brown, who had been referred to by his hon. and learned Friend for Devonport, the Government thought he had not shown sufficient presence of mind at the breaking out of the Santhal insurrection, and had consequently displaced him, but he would do him the justice to say that he thought he had been very hardly dealt with, since he had been for thirty years in the service of the Government and had shown an excellent judgment throughout his previous career, and was fully qualified for the office of a Judge, to which he had not, indeed, been appointed, but which had been offered to him. His hon. and learned Friend's infallible nostrum for the improvement of the Indian Courts seemed to be to send out a number of full-fledged barristers from this country, utterly ignorant of the language, the people, and the religion of the country, to sit upon the judgment-seat and administer justice. But with all deference to his hon. and learned Friend, there were some qualifications required for a Judge in India besides a knowledge of English law, and it was just possible for a man to acquire a sound knowledge of the principles of jurisprudence without having studied at the English bar. Sir Thomas Munro and other persons, well qualified to come to sound conclusions, were of opinion that a man was not fit to sit as a Judge in India unless he had passed through the offices of collector, knew the institutions of the people, had made settlements, had studied the system of landed tenures, and was conversant with the manners, customs and religion of the country. The Directors were considering by what means they could improve the qualifications of the Judges, but he deprecated the system of sending grown men to India. It had been the salvation of our Indian empire that the system adopted by the Company had been not to send out grown men to India, but youths who entered their service as apprentices with the view of becoming for life the servants of the Company. It was said that when a zemindar got a remission of taxation, he did not make any corresponding remission to the ryot. But a remission of taxation by the Government in the permanently settled provinces was one of the most unfrequent things in the world, and only took place when there was an irruption of the sea, or of some tidal river, or when a famine or some other overwhelming calamity visited the country, and then the Government adopted the strictest measures to enable the ryots to participate in that remission. He would answer for it that the Court of Directors, with the assistance of the right hon. Gentleman the President of the Board of Control would do, and were doing, all that they could to reform the existing evils, and he felt confident that in the course of twenty years, by which time the railroads and other great measures would have come into operation, the progress of India would be a marvel to the world, and something without example in history.

VISCOUNT BURY said, that when he was

in India with Lord Frederick Fitzclarence he had an opportunity of seeing the way in which the Native army was conducted, and he became acquainted with the causes which produced mutinies among the Sepoys. Those mutinies, in his opinion, were in some degree referable to the withdrawal of European officers from native regiments to perform civil functions. Even when these regiments had their full complement of officers there were only one colonel, one major, seven captains, eleven lieutenants, and five ensigns, to a regiment of 1,000 men. There being only seven captains, five lieutenants were charged with the duties of captains, leaving only six lieutenants and five ensigns, or half a lieutenant and half an ensign per company, to do regimental duty. From these numbers of officers must be deducted those who were employed in civil duties, and those who were on sick leave, or on furlough, which latter were in a much larger proportion than in an European climate. He had not mentioned the native officers, because he did not think they were of much value. They were promoted from the ranks by seniority, and, being frequently sixty or seventy years of age, were of about as much use as a superannuated Chelsea pensioner would be in a regiment of the line. It was true that in the Bombay army this state of things had been altered, and the native officers were now not appointed entirely by seniority.

Mr. A. MILLS hoped that the hon. Member (Mr. Kinnaird), would be satisfied with this discussion, and would not press his Motion to a division. If he did so he should, after hearing the speeches of the right hon. Gentleman the President of the Board of Control and of the hon. Member for Guildford (Mr. Mangles), vote against it. Lord Canning, in a Minute dated October 6, 1856, thus characterised the question raised by the memorial of the missionaries—

> "A wide and vague field of inquiry, inviting discussion and difference upon such subjects as rents, wages, fixity of tenure, and the relations of poor and rich; class made to testify openly against class; the weaker remanded when their task is done to the vindictiveness of the stronger, against which no interposition could effectually protect them; wild and extravagant expectations of immediate advantage raised in the minds of a whole people only to be disappointed; the examination of the share which the memorialists had in causing the social evils which they deplore, and the investigation of those delicate and dangerous questions confided to persons whose responsibility would cease with the inquiry. With every sincere respect and admiration for the character of the body from which this memorial proceeds, I cannot think that the advice which they have tendered to the Government of India is, in this instance, well judged, or that to adopt it would advance the end at which we all aim—the moral and social improvement of the Indian people."

After such an expression of opinion, the House of Commons could not grant this inquiry without passing a vote of censure on the Governor General. At the same time he should be very sorry, and he thought it would be a matter of deep regret to all who were interested in the civilization and Christianization of India, that any proposition should be rejected on the supposed ground that it was promoted by the supporters of Christian missions in that country.

Mr. AYRTON said, that the hon. Member for Perth, carried away by feelings of religion, had adopted a course the most embarrassing with reference to the subject before the House. It was hardly possible to suggest a more inconvenient proceeding than to ask the House to come to a decision at the request of the missionaries of Bengal. Nothing was more likely to be injurious in the eyes of the Natives of India than a Resolution based on statements such as were contained in that petition, which prayed for inquiry on the ground of the ignorance and idolatry of the Natives, in order, as alleged in the petition, to promote the spread of Christianity in India. No one would be more pleased than himself to see every native of India embrace the Christian faith; but no one circumstance, at the present moment, tended more to retard the progress of Christianity in India than the disposition manifested by those engaged in its ministration, to intermeddle in political affairs. This petition was an evidence that these missionaries sought to add to the weight which they ought to derive from their spiritual office alone, the influence which sprang from secular power. On that ground he should feel it his duty to meet the hon. Gentleman's Motion by moving the previous question. No doubt the Resolutions stated facts to which no man could offer an unqualified denial. Nobody would dispute that numerous evils marked the system of administration in India; but, from what had fallen from the President of the Board of Control, the Government would appear to have become conscious of the existence of those evils, and to be taking measures for their redress. The defects requiring correction were not only those which lay upon the surface, but they were interwoven with the very basis of our power. If the natives of India were like any nation of Europeans, they could not be kept under the rule of some 30,000 or 40,000 Englishmen. The population of Bengal were a peculiar people, even in India, and incapable of either governing or taking care of themselves under any system of administration. The affairs of India turned upon an infinite mass of minute and complicated details, and could not be summarily dealt with upon any one general principle. The more he examined the complex machinery of the Indian Executive, the more he was overwhelmed with the difficulties which surrounded every step that could be taken for its improvement. The most perplexed question in English affairs was simplicity itself compared with the entangled web of Indian administration. In dealing with India we had to regard the interests, not of tribes of savages, or a race unaccustomed to any forms of law or government, but of a civilized and most religious people—a people far more religious, in fact, though mistaken in their creed, than Englishmen themselves. They had a venerable system of law which they respected, and manners and institutions which were ancient when the kingdom of England had no existence. It was a remark of Montesquieu that no tyranny could be worse than that which undertook to legislate for a people without regard to their customs, usages, feelings, and even their prejudices. We could not deal off-hand, according to some new idea of our own, with the various races of Hindostan. They had been referred to the opinions of Mr. Halliday, a high authority, and a man of superior intelligence; but when they examined his views, they would be found to resemble closely those expressed by Lord Dalhousie at the end of his Government; and, therefore, after much experience of Indian affairs, the remedy of Mr. Halliday was to sweep away the whole system of the Mofussil, or provincial administration, and to supplant it by a system more in keeping with Oriental notions. This plan proceeded on the consideration that the Asiatic did not understand the minute subdivision of our European polity; he could not comprehend why there should be more than one judge; and when he went before a judicial functionary, (whom he usually designated as "a father") whatever might be the nature of his grievance, whatever the position of his adversary, he expected that he would be capable of rendering him justice. He (Mr. Ayrton) might not entirely subscribe to these views, but they indicated what large questions had yet to be solved, and how much lay behind the subject which the hon. Member had only touched upon. The land tenure of Bengal was different from that of the rest of India. It was based on a fatal error—that of a permanent settlement, and a fixed payment from a given locality; but the same error had been almost simultaneously committed by the Government and Parliament of England in regard to the adjustment of the land-tax under Mr. Pitt. The table of the House was covered with petitions from both natives and Europeans in all the three Presidencies, relative to the administration of justice, and if that question were remitted to the Legislative Council of India, without allowing the Imperial Parliament an opportunity of pronouncing an opinion upon it, the greatest dissatisfaction would be produced. He hoped that, when the President of the Board of Control should have determined on the course which he intended to pursue with regard to India, he would submit his scheme to the House, as well as all the documents bearing on the subject. The right hon. Gentleman had said that the Legislature could reverse or alter any scheme which he might set up in India without their concurrence, if it should be found to work mischievously; but it was idle to say that, after expensive establishments had been set up in India to carry the new system into operation, Parliament could rescind or reform the laws by which the change had been effected. Partial discussion like the present would be unnecessary if the right hon. Gentleman would give a distinct assurance that, in the forthcoming recess, he would apply himself to the preparation of a scheme likely to meet the complaints of the discontented in India; but, whatever improvements might be introduced into the system of government in India, he believed that no satisfactory result could be arrived at until there was also some improvement in the system of government in this country with reference to India. The time had come when that unintelligible absurdity — the East India Company — should be put an end to, and when the name of the Queen should be made to appear in the Government of India, for the people of that country were essentially loyal, and had for ages been accustomed to sovereign power. An opportunity should now be afforded them of manifesting their sense of loyalty to the Sovereign of the British Empire.

MR. KINNAIRD: After the appeal made to me by the noble Lord the Member for the City of London, it is not my intention to divide the House. I do not think that I ought to put the House to the trouble of a division after the explicit statements made by the right hon. Gentleman the President of the Board of Control and the Chairman of the East India Company, and the assurances that have been given that attempts will be made to remove these grievances as speedily as possible. I do not, however, regret that I brought forward this Motion, because it has led to a very valuable discussion.

MR. HADFIELD objected to the withdrawal of the Motion. The question was of far too great importance to be dealt with in that summary manner. He hoped that it would be adjourned with the view of being brought on again in conjunction with the intended Motion of his hon. Friend the Member for Stockport with respect to the financial affairs of India. The debate had taken a very extraordinary turn. The hon. Gentleman (Mr. Kinnaird) had taken upon himself to say that the Motion ought not to be pressed, without having had the slightest consultation with those hon. Members who had been attending the debate all night, and who supported him in that critical moment when, but for their presence, the House would have been counted out, but who would now have no opportunity of recording their votes on the subject. The President of the Board of Control had said that he felt no surprize at the thinness of the House during this discussion; but did not the right hon. Gentleman recollect that when his predecessor addressed the House three years ago with respect to the finances of India for two hours, there were no more than fourteen Members present to listen to his statement. But how happened it that on the present occasion the House was so thin? Where were those honourable and valuable servants of Her Majesty, the whips of the House? What were they doing? He asked that question in the presence of Her Majesty's Government. Were they not employed in thinning the House? Was it not a fact that they were at the door keeping Members out? Were they not employed in seducing Members out of the House? Except the right hon. Gentleman the President of the Board of Control there was not a Member of the Government on the Ministerial bench, and even he walked out of the House. [MR. VERNON SMITH: That is not the fact.] An hon. Gentleman said he saw him walk out, but after the right hon. Gentleman's denial, of course he (Mr. Hadfield) could say no more; and now he begged to recall the attention of the House to the great seriousness of the question which was under consideration, being no less than that of the administration of justice in a country containing a sixth of the entire population of the world. It had not been and could not be denied that the people of India had been most unjustly treated by their rulers. All that the President of the Board of Control and the hon. Member for Guildford had said amounted to nothing more than a plea of guilty. When an offence was committed in India, the first object of suspicion was the policeman; and, as that was the sad way in which justice was administered there, he should insist on a division being taken on the Motion. The time for mere inquiry had passed, and now was the time for the House to insist on justice being done to the down-trodden people of India, who were the worst governed nation on earth. Fifty Christian missionaries concurred in describing the manner in which the people of India were governed to be so barbarous and corrupt, that the people's minds had become slaves to the most appalling fatalism. They cared for nothing but a mere miserable subsistence, and looked upon moral and social improvement as not destined for them. Attempts had been made to asperse the missionaries. Who were they? Fifty clergymen of all denominations—not of the Church only, but of the Kirk of Scotland, the Free Church of Scotland, and various other classes of Christians. It was not until 1818 that missionaries were allowed to enter India; and he (Mr. Hadfield) was surprized to hear them spoken of as they had been. The advocates of the Company were obliged to plead guilty to the charge of injustice to the people of India, and he thought that the opinion of the House in reference to these statements ought to be placed on record, and he should therefore object to the Motion being withdrawn without a division.

MR. LIDDELL thought it would be unwise, looking to the impression which the Vote might produce in India to press for the division, which could not now be taken under favourable circumstances,—more particularly after the statements of the right hon. Gentleman the President of the Board of Control and the Chairman of the Board of Directors, that they were prepared to do all they could to carry out the views of the hon. Gentleman opposite.

SIR JOHN TRELAWNY maintained that, after the inflammatory speeches of the President of the Board of Control and the Chairman of the Court of Directors, admitting the whole case stated in the petition, no further harm could be done by a Vote of the House of Commons. Indeed it might be rather advantageous in urging the Government forward in the fulfilment of the promises which they had made. The hon. Member for Sheffield, however, had intimated to him that he did not mean to press for a division.

MR. PULLER said that, however much he might agree in the statement of facts contained in the petition of the missionaries, he was not prepared immediately to adopt a course of action as recommended in the second Resolution, and he should therefore move the Previous Question, as the hon. Member for the Tower Hamlets had promised to do, but had not done. He thought that the House was greatly indebted to the missionaries of Bengal for having brought the condition of the population of that province before them in such clear and strong language, and he had been very much surprized to hear the President of the Board of Control speak of them as heated enthusiasts who had stepped out of their proper functions to interfere with the province of the Government. The missionaries having obtained no satisfactory answer from the Government of India had no alternative but to appeal to this House, and he thought they deserved the thanks of the House for what they had done. At the same time, after the pledges which had been given on the part of the Government, he thought the hon. Member for Perth had exercised a wise discretion in withdrawing his Motion. He hoped that a division would not be insisted on by any Member. [An hon. MEMBER said the Motion had been withdrawn.] Then, it would not be necessary for him to move the Previous Question.

On the Question being again put, that leave be given to withdraw the Motion, an hon. MEMBER called out "No."

MR. EVANS observed, that the hon. Member for Sheffield (Mr. Hadfield) seemed to cast some slur upon those hon. Members who had sat through the whole debate. He did not agree with the hon. Member in thinking that this Resolution ought not to be withdrawn. He thought that no advantage would arise from pressing the Resolutions to a division, and therefore he should move the Previous Question.

Whereupon *Previous Question* put, "That that Question be now put."

The House *divided:*—Ayes 18; Noes 119: Majority 101.

JOINT-STOCK COMPANIES AMENDMENT BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clauses 1 to 9 *agreed to.*

On Clause 10,

MR. AYRTON expressed his approbation of that provision by which shares in Limited Liability Companies were rendered transferable by writing without deed. He believed that at present a considerable portion of the transfers made were invalid, in consequence of the formalities now required not being fulfilled. He thought the provision might be advantageously extended to transfers of railway shares.

MR. LOWE said, it would not be proper to deal with railway companies under this Act, the operation of which was limited to companies which had come in under the Act of last Session. He should, however, be ready to consider the suggestion of the hon. Gentleman.

Clause *agreed to,* as were the remaining clauses.

House resumed: Bill *reported,* without Amendment; to be read 3° *To-morrow.*

House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Friday, June 12, 1857.

MINUTE.] PUBLIC BILL.—3ª Cinque Ports Act Amendment.

THE IRISH GOVERNMENT—MR. STUART. QUESTION.

THE EARL OF LEITRIM rose, pursuant to notice, to ask Her Majesty's Ministers why the protection of the police was to be removed from David Stuart in the county of Leitrim, and why the Government should require him to emigrate or otherwise provide for his personal safety, and to what extent the persecution of Protestants was to be permitted? The noble Earl (who was very indistinctly heard) suggested that the police had been withdrawn from watching this Gentleman's house because he had given a vote adverse to the candidate of the Irish Government in the late election; and expressed his opinion that no Lord Lieutenant had ever taken so strong a part in politics as the Earl of Carlisle.

EARL GRANVILLE said, the best answer to the charge of partisanship against his noble Friend the Lord Lieutenant was, the universal respect in which the noble Earl was held by men of all classes and denominations of religion and by all political parties in Ireland. As to the particular case in question, he was not aware that any protection had been withdrawn from Mr. Stuart's house. It appeared that that gentleman had made himself obnoxious to his neighbours in some way or other, and at his own request two police constables were appointed to watch his house. Subsequently he gave notice of his intention to emigrate, and requested that the policemen might be withdrawn. He changed his mind, however, and did not emigrate, and the police constables were kept on duty there at a considerable expense to the country.

VISCOUNT DUNGANNON said, he had no hesitation in saying that even justice was not dealt out to Protestants and Roman Catholics in Ireland, and that if this had been an attack made upon any body of Roman Catholics in Ireland the country would have been roused from one end to the other, and no effort would have been spared by the Government to bring the guilty parties to punishment. But such was not the case when Protestants were attacked, though it was notorious that such attacks took place daily. He could point to cases where Protestant ladies in Dublin were hooted and pelted on their way to give instruction in Protestant schools, and where the Roman Catholic police not only gave them no assistance but cheered on the assailants. The Roman Catholics of Ireland seemed alone to be regarded as valuable subjects, while everything like honesty of purpose, ability, and talent was denied to the Protestant population. His noble Friend had asked how long this state of things was to go on and he thought he was entitled to a fair and satisfactory answer. He felt assured that, sooner or later, the indignation of the Protestants in Ireland would compel the Government to give due attention to the grievances under which they laboured, and to apply a correction to such a partial system. Some of the scenes that had taken place of late were absolutely disgraceful. He contended that Roman Catholics and Protestants ought to share alike the favours of the Government. The Protestants were not the most numerous body in Ireland, but they comprised, to a great extent, the intellect and usefulness of the country, and they had a right to claim protection. Their Lordships might depend upon it that the case referred to by his noble Friend (the Earl of Leitrim) was but one of many which indicated a state of circumstances calling loudly for the interference of Parliament, and his noble Friend deserved the thanks of the Protestants of Ireland for calling attention to it.

EARL GRANVILLE said, the noble Earl at the head of the Government in Ireland conducted his administration on the principle of perfect fairness and equality towards all classes of Her Majesty's subjects in that country. If the noble Earl opposite could bring against the Government a particular charge of partiality, either one way or other, he would have no objection to such case or cases being submitted to a Committee in order to their being considered on their merits. Charges had been made against the Lord Lieutenant of having acted unfairly towards Roman Catholics; charges had also been made against him of having acted unfairly to Protestants; and such recrimination would always take place when belligerent denominations were pitted against each other. The trumping up such cases as these was calculated to throw discredit on the principle which actuated the Irish Viceroy, that of dispensing equal justice to every creed and class in Ireland. He entirely denied that the Government had pressed the man to whom the noble Earl had referred to emigrate. Indeed, nobody could believe that the Government had had recourse to any such policy. Two policemen were at this moment in his house at considerable expense to the public, and in such circumstances it was idle to say that the Government was not giving protection to Protestants.

THE EARL OF LEITRIM said, if the noble Earl would give him a Committee, he would show the House and the country how sixpenny penalties were imposed by the magistrates. In Kilkenny——

EARL GRANVILLE rose to order. It would be very inconvenient to go on with this discussion in the way the noble Earl was now doing. If the noble Earl chose to give notice of a Motion for referring to a Select Committee any particular cases, the House, when that Motion came before them, would be able to judge whether sufficient grounds were made out for such a Committee; but he thought it was trifling with the time of their Lordships to discuss such petty charges as had been made in a way so irregular.

THE EARL OF LEITRIM said, all he wished to say was, that the answer given by the noble Earl to his question was most unsatisfactory and most incorrect.

TRANSPORTATION AND PENAL SERVITUDE BILL—COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE EARL OF HARROWBY rose to move that the House go into Committee on the Transportation and Penal Servitude Bill, and said, that their Lordships would recollect that considerable interest had been felt throughout the country on the subject of transportation and what was called the ticket of-leave system, and that no small excitement and perhaps prejudice existed in the community with regard to the number of persons convicted of offences who were supposed to be at large in possession of those tickets of leave. The real ground of apprehension, however, was not the existence of the ticket-of-leave system as such, but the cessation of the system of transportation, by which, instead of sending annually great numbers of the worst criminals to different portions of our colonial empire, we were obliged to retain them at home. No doubt it was a very simple process to shuffle off our criminal population to the Colonies, and for a while it seemed to work well; but in course of time it became an evil which the colonists were unable to bear, and they became so excited on the subject as to render transportation in a great measure impossible. The Committee which sat last year expressed its approbation of transportation if it could be carried out with the consent of the Colonies, but they also laid down as principles to guide the selection of colonies whither convicts should be sent that there should be a demand for their labour, and a sufficient amount of free population to prevent inequality of the sexes and too great a proportion of criminal inhabitants. Those principles excluded nearly every colony in Australia, and convicts could not be transported to the Cape of Good Hope, to Moreton Bay, to the Red River settlement, nor to the Falkland Islands. With respect to Vancouver's Island the Committee had not sufficient information to enable them to pronounce a definite opinion, and further inquiry had not convinced the Government that convicts could be sent there. The obstacles were—first, the great distance; and next, the contiguity of the American territories. Under these circumstances the only place which the Committee could point out as fitted at present for the reception of convicts was Western Australia; but, even in regard to that colony, he (the Earl of Harrowby) could not hold out the hope that that resource would be available for any very extended period. The free population was only about 7,000; and there were few very strong inducements for any rapid increase in that population. However, that colony was desirous of having convicts sent to them, and the Government would endeavour by all means in its power to comply with that wish in the manner most advantageous to this country and to the colonists. During the inquiries of the Committee one obstacle to carrying out any system of transportation even to colonies desirous of receiving convicts was ascertained which it was in the power of the Legislature to remove. It would be remembered that when in 1853 it became obvious that a limit must be placed upon the number of convicts to be transported, the principle was laid down that only persons sentenced for periods of fourteen years and upwards should be transported. By that measure it was intended that transportation should be carried out only in the cases of the worst kind of offenders; but it was not quite clear that criminals regarded transportation to a foreign country as a more severe punishment than confinement at home. The number of convicts annually sentenced to those longer periods of punishment averaged 400, from which women and persons physically or otherwise unfit for transportation being deducted, there were left only about 250 convicts who could be sent away every year to Western Australia. In order to enable the Government to meet the wishes of the colonists, and to remove from this country a number of persons whose reformation was more probable in a distant land than at home, the Bill which he now proposed had been prepared. Its object was, whenever a sentence of penal servitude was pronounced, it should be in the discretion of the Secretary of State to decide, according to the demands of the colonies and the fitness of the convicts for transportation, whether the sentences should be carried out at home or abroad. An objection had been raised against that proposition, upon the ground of the uncertainty it would create as to the effect of the sentence; but the same objection would apply to the present system. No Judge could say, when he was passing sentence of transportation, whether it would be carried into effect or not. Of 12,621 persons sentenced to transportation in the years immediately preceding the introduction of the new system, only 4,710 were actually sent out of the country. In the ten years from 1842 to 1852, taking England, Wales, and Scotland together, thirty-six per cent of all the persons sentenced to transportation were kept at home. Under these circumstances a discretion must be left somewhere, and he did not know to whom it could be given if not to the Secretary of State for the Home Department, who was responsible to Parliament and the public for all his acts. The Bill, besides giving that discretion to the Home Secretary, nominally abolished the sentence of transportation, which had become a perfect mockery; but under the sentence of penal servitude, power was taken to send out of the country, at the discretion of the Secretary of State, a larger number of convicts than it had recently been possible to dispose of in our colonies. He would not trouble the House with many observations upon the ticket-of-leave system. The apprehensions upon that score had very much subsided; and when their Lordships bore in mind that up to the present moment only about fifteen per cent of the ticket-of-leave men had been recommitted, they would see that the system had incurred a good deal of undeserved odium, and that the Government would not have been justified in proposing to abolish it.

Moved, That the House no now resolve itself into a Committee on the said Bill.

LORD CAMPBELL did not rise to oppose the Motion for going into Committee, but to express his deep disappointment at the provisions of the Bill. Both Parliament and the country had expressed a decided opinion in favour of transportation, and he certainly had expected that the Government would make some attempt to comply with the wishes of those who had studied the subject and were competent to give advice upon it. He now saw, however, that transportation was to be permanently abandoned, or rather, instead of being a punishment for the worst offenders, it was to be a reward for the most meritorious. A new "order of merit" was to be established, and the token was to be a ticket of transportation. He viewed with alarm the situation in which the country had now the prospect of being placed. It was a new situation. Before the time of Henry VIII. offenders were dealt with in an extremely summary manner, and there were no accumulations of convicts. The system of transportation was coeval with the settlement of America; and from the time of Charles the Second to the declaration of independence, our convicts were sent thither. After that came the Australian colonies, and they, until very recently received annually a considerable portion of our worst criminals. Now, however, that system was to be done away with, and our convicts were to be accumulated at home from year to year, and there was no prospect of their being placed in a situation where they would be prevented from recurring to their criminal practices, or where the public would be saved from their depredations and acts of violence. Such a result might be necessary, but it was most deplorable. Our penal colonies had been the envy of all those foreigners who had considered the subject of secondary punishments, and he deeply regretted that, like France and other continental States, we were no longer to have the means of giving our convicts a chance of reformation or of relieving the public from a repetition of their crimes. There were, no doubt, some difficulties to be encountered; but an attempt ought to have been made to overcome them, and it was wrong at once to abandon transportation. That which was formerly a punishment was now to be a reward for good conduct. There was to be a selection of those who were most innocent and to whom the least objection would be made in the colonies, and they were to be rewarded by being sentenced to transportation, carrying their wives and families with them. They were to be favoured emigrants, and sent abroad at the public expense. Formerly, when he passed a sentence of transportation for fifteen years or for life, he thought it would be carried into effect. The convict, the convict's family, the bystanders, and the Judge believed it. But now all that they knew was, that it would not be carried into effect unless the convict earned the reward of transportation by extraordinary good conduct. It was contrary to the first principles of criminal jurisprudence to substitute the discretion of the Secretary of State, who had not heard the evidence and knew nothing of the circumstances attendant upon the commission of the crime, for that of the Judge by whom the prisoner was tried. In future, if he were to tell the truth, he would have to sentence the convict for fifteen years at the discretion of the Secretary of State. He would have to say, "During that term the Secretary of State for the time being may allow you to remain in prison, or you may be sent to the public works at Bermuda; or, if you show repentance, you may have the good fortune to be transported to Western Australia." Such a system aggravated all the evils which had been deplored, and held out no prospect of any equivalent advantage.

EARL GREY said, he had heard with the greatest sorrow the speech of his noble and learned Friend, because it showed that his noble and learned Friend had entirely forgotten the arrangements of 1847 and 1848, and now condemned a system to which he was not only an assenting party but the chief adviser upon whose authority it was established. The object of this Bill was to enable the Government to revert to that system. Previous to the establishment of that system it had been found from experience that the strictly penal part of the sentence of transportation could be much better carried into effect at home than abroad. The sentence of transportation implied two things — removal from the country and forced labour in the custody of Government officers. Long experience had shown that the effective part of the punishment, forced labour, could only be safely and properly carried out at home. When it was attempted to carry it out at a distance, abuses had invariably been developed. In Norfolk Island, in Van Diemen's Land, in New South Wales—in every instance where convicts had been subjected to severe penal labour out of sight of the home Government, and removed from the influence which secured trustworthy officers, the system had failed. But although the Colonies had not answered for carrying into effect the strictly penal part of the sentence, they had answered the purpose of disposing of convicts when they could no longer be kept under severe punishment. Common humanity rendered it impossible that even the worst offenders could be kept under punishment for life. Every attempt of that kind practically failed. Sooner or later they must be relieved from punishment. But when that was done in this country, in spite of the utmost care, it was almost impossible to prevent convicts from returning to a course of crime. In this country they had the disadvantage of meeting their own associates, added to the difficulty of obtaining employment whereby to support themselves. But in the Colonies it was not so, and the consequence was, that when they passed out of the hands of the Government a large majority became useful members of society. The system, therefore, which was established in 1847 and 1848 was this:—that every convict upon whom sentence of transportation was passed went, in the first instance, to solitary or separate imprisonment at Pentonville, or an establishment of that kind; thence, after a longer or shorter term, according to his conduct and original sentence, he went to a penal establishment like that at Portland; and thence, according as his conduct was better or worse, he was sent at an earlier or later period to one of the colonies, the Secretary of State sending them abroad or detaining them at home at his discretion. By that system they obtained two advantages. The strictly penal part of the sentence was inflicted in this country, where, if abuses sprung up, they were at once checked, and a discipline was applied which fitted the man to be useful in the colony to which he was ultimately sent. But the greatest advantage of all was, that the system gave a motive to the convict to conduct himself well. Captain Maconochie, a gentleman of great benevolence and ability, projected the plan of substituting moral influence for brute force, and making punishment to cease when the convict, by industry and good conduct, had earned a certain number of marks. He thought Captain Maconochie had attempted to carry the principle too far, although undoubtedly it was a sound principle, because prior to that the only mode of compelling convicts to behave well was to punish them. It was mere brute force and mere coercion. The lash was the only thing upon which they depended for enforcing industry and preventing misconduct. The lash was an instrument of which the power was speedily lost; the men became hardened, and it was impossible to prevent the most horrible state of things prevailing in convict establishments. But the moment they changed the plan, and, retaining severity and strict punishment for those who deserved them, held out the prospect of earlier relief, they brought into play the strongest motive which could act upon the human mind. The system had been successful, and at Dartmoor and Portland the work performed under such a stimulus by convict labour, even compared with free labour, had been in the highest degree satisfactory. Records showed that the convicts were industrious, and he was persuaded where there was real industry there could be no great misconduct. When men had been made really industrious, and maintained the outward decencies of good conduct, if nothing more, he was persuaded a great deal had been done towards promoting their real improvement. He knew that the plan of giving rewards to convicts for good conduct had been held up as highly objectionable. It was said that it encouraged hypocrisy, and that the worst men very often behaved best in a penal establishment. He was well aware of that, and he was afraid that, do what they would, where the heart was corrupted it was only in a few instances, and that under the Divine influence rather than by any other means, that it was thoroughly reclaimed. But he said, where they could not change the heart they did a great deal if they could teach habits of industry, and that they conferred an incalculable benefit on society by increasing outward decency of conduct among this class, for at all events they prevented those outrageous breaches of all decorum which used to prevail under former systems of punishment. When the subject was under the consideration of the Committee of their Lordships' House, it became manifest that a very strong feeling had sprung up in Van Diemen's Land against transportation to that colony. In 1852 it was believed to be impossible to continue to apply that system, and the Government of the day came to the conclusion that it was necessary to close the colony of Van Diemen's Land against the reception of convicts sentenced to transportation. When that was the case it was obvious that some change of the system must be adopted, and in 1853 a Bill was brought in for substituting penal servitude for transportation. He thought at the time, and still was of opinion, that that was a very unadvised measure, and was therefore strongly opposed to it. The result, in his opinion, had fully borne out his views upon that subject. However, the Government, conceiving that they could no longer send convicts abroad, thought it necessary to make that substitution, but in doing so, committed what he conceived to be a very grave error; because they shortened the period of punishment by making four years of penal servitude equal to seven years' transportation. By doing this they destroyed the discipline which formerly existed, because they were unable to make remissions in consequence of good conduct without remitting the punishment altogether. In framing the law they had provided that no persons should be sent abroad who were under a sentence of less than fourteen years' transportation. But by taking that course they, in effect, were prevented from sending the very persons who, if convicts at all were admitted, would be the most useful and the least objectionable in the colony. It should be borne in mind that the colonies were not the proper places to which the incorrigible class of convicts should be sent. If they acted on any other rule than that they would not be able to continue the system of transportation at all. For the incorrigible there ought to be places properly selected within the British islands, and there they ought to be retained permanently under the Government surveillance. Those should be places where persons utterly incorrigible should be separated from society and prevented doing the mischief which they would otherwise occasion. The persons that ought to be sent to the colonies, and whom the colonies would be ready to receive for the sake of their labour, were those who had been betrayed into crime, who were not thoroughly hardened, who had gone through a course of discipline such as he had described, and who on being placed in circumstances favourable to their moral improvement, would be in a position to retrieve a lost character. Of those persons a very large proportion used to be sentenced to seven years' transportation, but that class of men were entirely excluded from the advantages of being sent to a colony by the measure of 1853. And now, what was the measure before the House? It simply enabled the Legislature to retrace its steps, and it gave back to the Government that discretionary power over convicts which from the time that transportation was introduced they had always possessed, and which they ought by right to exercise. The early Acts on transportation, in the time of George III. and George IV., carefully provided that convicts might either be punished in this country, in the hulks, or be sent abroad. His noble and learned Friend said that by the provisions of this Bill convicts would be immured hopelessly in the hulks unless means were found from time to time of sending them abroad, and expressed his fear of the result which would ensue when the colony of Western Australia was closed against them. He (Earl Grey) must say that he did not participate in the fear that that event would soon take place. On the contrary, he believed that, if it were properly managed, there would be no desire on the part of the colonists there to put an end to the employment of convicts in that colony. What would happen? Precisely what happened in the case of New South Wales, where convicts, being usefully employed, in process of time acquired habits of industry, and became reformed characters; and he believed that up to the period of 1840, when that colony was unwisely, as he thought, closed against their admission, it had received benefits so substantial from convict labour that it ought not to have been done away with. His opinion was, that it was the duty of the Government to send out convicts to the colonies as long as there was a necessity for their labour; and, therefore, it was somewhat foreign to discuss the question as to what colony would retain the system longest. He supported this Bill on the simple ground that in the circumstances in which the country was placed it was for them to retrace an erroneous course, and to reintroduce transportation, for the purpose of relieving England of a mass of persons who, while they remained here were dangerous to the peaceable and well-disposed, but who might be usefully employed, and have the chance afforded them of leading a new and useful life in the colonies.

THE EARL OF CARNARVON said, he wished to trouble their Lordships with a few remarks, because his noble Friend who had introduced this Bill seemed to assume that the revival of transportation upon a large scale was altogether impracticable. He agreed with the noble Earl that the real difficulty was not in finding a place where convicts might be securely confined, but a country possessing a fertile soil and natural resources, which would afford an almost inexhaustible demand for labour. If such a spot could not be found, they would save both time and trouble by imprisoning their convicts in England. He (the Earl of Carnarvon) thought, however, that they jumped at a too hasty conclusion if they assumed that no place could be found within the limits of the English empire for the reception of our convicts. Undoubtedly weighty objections existed to the selection of the Hudson's Bay district as a penal colony, for during several months of the year that settlement was entirely inaccessible. Vancouver's Island had been suggested as adapted for the purpose, but its vicinity to the United States, and the facilities afforded by the chain of islands which connected it with the mainland for the escape of convicts, rendered it unsuited for the reception of a large criminal population. The soil of the Falkland Islands was not adapted to agricultural operations, and the limited extent of those islands, as well as the scanty employment which could be afforded upon public works, unfitted them for a large convict settlement. It appeared, however, from the evidence before the Committee of 1843, that Western Australia was a country rich in vegetable and mineral productions, where the great necessity was the creation of harbours and roads, which would afford ample employment for convict labour. The Committee had spared no pains or labour in obtaining the best information on the subject, and they found that both Western and Northern Australia were admirably adapted for the establishment of a penal settlement. They had there the wide range of country which was watered by the rivers of the Gulf of Carpentaria, which had been surveyed by a most efficient officer, whose report showed that it was rich in productions, and that it comprised extensive tracts of well-timbered and open country, and highly suitable for the reception of Europeans. There was, however, another district—the valley of the Victoria—which had recently been explored by Mr. Gregory, a very able surveyor and traveller, and which seemed to present great advantages as a penal settlement. This district was generally bare of timber, but the pastures were described as of extraordinary richness. He (the Earl of Carnarvon) would not venture to put his opinion in opposition to that of his noble Friend (the Earl of Harrowby), who had access to official documents; but he might quote the testimony of Sir Roderick Murchison, who was a high authority on the subject, and who, in his address to the Geographical Society the other night, said,—

> "The real opinion of such an experienced colonist and geographer, whose merits have been already dwelt upon in conferring upon him our founder's gold medal, is of infinitely greater value than those speculations which would describe the whole of that region, on account of its latitude, as unfit for the settlement of the Anglo-Saxon race! The plain answer to this view is, that on the banks of its navigable river, Victoria, the party of Wickham and Stokes were perfectly healthy in 1839, and that recently our countrymen were stationed there for nine months without the loss of a man. . . . . . A region which so many experienced naval officers and other authorities have eulogized as offering capacious harbours and a climate not unsuited to Europeans—lands in which the pastures are magnificent, while the sea swarms with the finest fishes."

Mr. Gregory said,—

> "This portion of Australia far surpasses the western coast both in its fertility and extent, and its capabilities for settlement. Good harbours are numerous along the coast, and there is abundance of fine country for stock and cultivation."

Again he said,—

> "The valley of the Victoria far exceeds the best parts of Western Australia."

Dr. Ferdinand Müller said,—

> "North Australia, with the exception of the east coast, possesses essentially a dry Australian and not a moist Indian climate. Fevers do not therefore exist, and we escaped such jungles and swamps as those in which Kennedy's party exhausted their strength. There is abundance of good country in North Australia, and, with access for vessels to the lower part of the Victoria, full scope for the formation of a new colony."

A despatch of the Colonial Secretary (Mr. Labouchere) contained this passage:—

> "You have called attention to the description which Mr. Gregory gives of the soil and climate on the banks of the Victoria river, and indeed it is of such a nature that it is no extravagant supposition that some of us may live to hear of that hitherto unknown region becoming the home of a prosperous English settlement."

With this mass of evidence before them, he (the Earl of Carnarvon) thought it was not unreasonable to assert that there was an opening for a penal settlement in the northern districts of Australia. He knew that one objection to the formation of new convict settlements was that, however well situated those settlements might be, it would be impossible to prevent the escape of convicts to other settlements. He believed, however, that there would be no possibility of escape from a convict establishment in North Australia, either on its northern, western, or southern sides, which were bounded by the sea, and by an impenetrable desert. He admitted that there was a possibility of escape on the eastern side, but it could not be effected without horses or mules, and then vast sandy deserts and tracts of barren country must be traversed, and he believed that the district would be utterly impassable to solitary convicts. He thought, therefore, that the colonists in the southern districts could not with any reason or justice complain of the establishment of a penal settlement in the north. Considering also that Western Australia would eventually form a link in the chain of communication between Borneo, China, and the Eastern Archipelago generally, he was of opinion that it must sooner or later be extensively colonized, and he thought, therefore, that it would for a very long period offer facilities for the reception of convicts. He was no advocate for sending out hardened and impracticable criminals only; some principles must necessarily be observed in order to the well working of any system of transportation. It would be always advantageous to send out persons who had a considerable portion of their penal servitude to work out, during which time a system of strict discipline should be enforced; they ought never to lose sight of the question of free colonization, and that there should always be a large preponderance of free emigration; they must also take care that there should be some proportion between the sexes. The noble Earl concluded by saying that he would gladly have made some observations upon the working of the ticket-of-leave system, but that to do so he must trespass unduly upon their Lordships' attention.

VISCOUNT DUNGANNON expressed the great disappointment he felt at the introduction of such a Bill as the present, which retained a system so full of evil, and so much objected to, as the ticket-of-leave system. He recalled the attention of the House to the many cases of heinous crime which had been traced to ticket-of-leave men in this country, and expressed his opinion that a Bill which retained the principle could be satisfactory to nobody. It might be, and indeed had been argued that the re-convictions of ticket-of-leave men were few in comparison to the number of tickets issued. They had been placed at 15 per cent. That was a great deal too many, and their Lordships must bear in mind the large number of cases in which it must be assumed the perpetrators of offences were undetected. He implored the Government, in mercy to the convicts themselves, who, when they returned to their old haunts, without a character and without employment, were driven as it were again to crime — to give them a chance, by removing them to a new country, of amending their lives and becoming honest and useful members of society. It was mistaken mercy to shorten imprisonment by tickets of leave, because it left the holder so completely under the surveillance of the police, and with such a stigma upon him, that he was fit for nothing but his old courses. The present measure would leave utterly untouched the source of the evil, and he must therefore give it his most uncompromising opposition.

THE EARL OF DERBY said, he did not propose to offer any objection at the present stage of the Bill, nor did he intend to move any Amendment in Committee, because he thought that it was not properly the subject of Amendment at that stage, but that all matters of this kind must be left entirely in the hands of the Government. He could not, however, feel satisfied without saying that, in his opinion, the present measure was most imperfect and unsatisfactory, and did not appear to proceed on any definite principle whatever. The only alteration which would be effected in the existing state of things by the Bill was that, whereas formerly transportation was a sentence which might have been commuted into penal servitude or imprisonment at home, penal servitude was now a sentence which might henceforward be commuted into transportation at the discretion of the Secretary of State. But he would ask his noble Friend on what principle the Secretary of State was to be guided in substituting transportation for penal servitude? Was transportation to be regarded as an aggravation or a mitigation of the sentence? His noble Friend did not seem to approve of the inference drawn by the noble and learned Lord Chief Justice, that the sending of a person to a colony was to be considered as a reward for good conduct. But it seemed to him (the Earl of Derby) that the language of the Bill bore out that view of the case: and his noble Friend himself said, on the part of the Government, that great complaints had been made of their sending out incorrigible offenders, and that they would henceforward only send out the best-conducted men, and those whose physical capacity fitted them for discharging the duties of colonists. His noble Friend had further stated that those men would receive a boon which was not granted to voluntary emigrants, inasmuch as their wives and families would be sent out with them. Again, it did not appear in the Bill what portion of the sentence was to be carried out at home, and what other portion in a colony. That was left entirely to the discretion of the Secretary of State. Now, he could understand the principle adopted in the measure of 1848, that the strictly penal part of the sentence should be carried out in this country, and that after a certain time, regulated by his conduct, the convict might be sent out to a colony. But, in that case, there was a *minimum* of penal servitude to be undergone in this country before the Secretary of State could have the power of effecting any change in the sentence of the convict. According to the present Bill, however, it would be competent to the Secretary of State, the moment after the sentence had been passed, to say that the penal servitude should not be enforced, but that the individual should at once be sent to Bermuda, or Gibraltar, or Australia, or any other settlement. The measure seemed to substitute the will, or the caprice, or at best the discretion, of the Secretary of State for any positive enactment with respect to the period at which the different stages of the punishment were to take place. He believed the Bill failed in two very important particulars. It did nothing to remedy the two great difficulties under which this country laboured—namely, the difficulty of disposing of the better affected portion of its convicts, and the difficulty of disposing of the incorrigible offenders. For neither the one nor the other of those cases did the measure make any provision whatever. The noble Earl opposite (Earl Grey) had alluded to a proposal for finding some place to which incorrigible offenders might be removed, and kept under surveillance, and in seclusion from the rest of the community, although not in actual imprisonment. Such a proposal formed no unimportant portion of the scheme which the Government of 1852 contemplated, and steps were taken for securing such a place. He himself mentioned the name of that place to the noble Duke (the

Duke of Newcastle) who succeeded to the seals of the Colonial Department; but he did not state the name publicly, lest he might by that means have added to the difficulty of carrying out such a project. Certainly, with regard to incorrigible offenders, he was strongly of opinion that great evils had resulted from the practice of granting tickets of leave to the extent to which that practice had been carried, and that great advantages might be derived from the possession of some place within the limits of the British empire, and not too far removed from the surveillance of the Government, to which incorrigible offenders might be removed, so that they might be prevented from again entering into society in this country. Again, he agreed that it was not advisable to send all the most incorrigible offenders to the colonies, for that would give the colonists great cause to complain; but he thought the Government might have done much more than they had done to secure a provision for the settlement of those who did not belong to the incorrigible class. It appeared to him that the Government had too hastily abandoned the idea of establishing new penal colonies. He did not think that all parts of the world were closed for such a purpose. In the first place, he agreed with the noble Earl, that Western Australia might gradually find room for an increased number of convicts. He also believed that the northern coast of Australia was perfectly eligible, not in the first instance, for the reception of convicts properly so called, but for the establishment of colonies to which persons who had been under penal sentence in this country might be sent as freemen, and pioneers of civilization. In this manner, by sending out persons who could not be regarded as incorrigible, but whom it would not be safe to throw on society here, we might lay the foundation of useful and valuable colonies, which, for a considerable time, might afford a means of gradually absorbing our convict population. But the Bill before the House proceeded on no principle whatever; it would leave everything in a state of uncertainty far greater than that which at present prevailed; it would place a most mischievous and dangerous discretion in the hands of the Secretary of State. He did not mean to say that that discretion would be abused; but the measure would cast such a degree of uncertainty on the whole operation of the law, that neither prisoners, nor judges, nor jury would

know the principle which was to regulate the punishment of offences. These were the principal objections he entertained to the Bill—he meant rather to its imperfections and its shortcomings than to its absolute demerits. In conclusion, he had only to repeat that he did not mean to propose any Amendments in the measure, as he felt that the subject was one which must be left in the hands of the Government.

THE EARL OF HARROWBY said, that the noble Earl admitted that they would not continue to send out incorrigible offenders, but that those should be sent who afforded hope of reformation. It was impossible to do that unless the decision was left to the discretion of those who had an opportunity of judging of the conduct and character of the criminals. As to tickets of leave, it was not intended to retain them as a system, but to grant them only in exceptionable cases.

THE MARQUESS OF SALISBURY said, that the insecurity of life and property after the establishment of the ticket-of-leave system was so great, that Committees of both Houses of Parliament were appointed to investigate the matter, and they agreed in the necessity of the reinstatement of transportation. The Bill carried out that recommendation in rather a singular way, as it commenced by enacting that thenceforward no person should be transported. The Bill entirely lost sight of the object for which the subject had been brought under the consideration of Parliament, as it did not contain a word about the ticket-of-leave system. Instead of leaving the nature of punishment to the dictum of the Secretary of State, it should be for the Judge to decide, as he had the best opportunity of becoming acquainted with the character of the man. He hoped, that as far as possible the system of transportation would be restored.

LORD DENMAN considered that the term of punishment imposed by the Judge ought invariably to be inflicted. He believed that many of the colonies would be still willing to receive convicts, if they were allowed to make their own arrangements for their disposal. The feeling of the country decidedly was that the system of transportation should be re-established. The ticket of leave was a total failure: 13 per cent might be a small thing as a matter of calculation, but any one of those who relapsed might commit a crime which would shock them all.

LORD WENSLEYDALE thought it very desirable that the sentences of the Judges should be fully carried out, as he was quite satisfied that it was necessary for the suppression of crime that offenders should know that their sentences were certain.

Motion *agreed to.* House in Committee accordingly.

THE MARQUESS OF SALISBURY proposed a clause to enable the Secretary of State to direct the removal of any person sentenced to hard labour to any person in England or Wales, where public works were carried on. The object of this clause was to enable the Government to employ prisoners on reproductive works. The labour on which prisoners were now generally employed was such as to interfere with the trade of the honest industrious classes.

THE EARL OF HARROWBY said, that the managers of the large convict prisons believed that the influx of a number of criminals, such as the clause proposed, would interfere with the success of the system.

Motion (by leave of the House) *withdrawn.* An Amendment made; the Report thereof to be received on *Monday* next.

DIVORCE AND MATRIMONIAL CAUSES BILL—REPORT.

Amendments *reported* (according to order).

LORD REDESDALE said, that he had given notice of certain Amendments, the object of which was to enable those of Her Majesty's subjects who, from religious convictions, did not think themselves justified in asking for a divorce to obtain a judicial separation in cases of adultery, and to authorize the Court in such cases to punish the guilty parties. As the Bill now stood, the Court had not the power, unless a divorce was prayed for. He should not, however, press the Amendments on that occasion.

THE LORD CHANCELLOR said, the discussion which had taken place had suggested various Amendments which he now asked the House to agree to. The first was, that the term "judicial separation" should be substituted for a divorce *à mensâ et thoro*, and that the same power be given to a sentence of judicial separation as now belonged to a divorce *à mensâ et thoro*. In reference to the 17th clause, he proposed to insert a clause, giving to a husband or wife against whom a decree of judicial separation had been pronounced on the ground of desertion, the power of applying to the Court for a reversal of the sentence, if it could be proved that the absence has been involuntary or unavoidable. Another Amendment which he proposed was that in cases, which might happen, where persons who had been judicially separated, chose to come together again, in order that it might be known that the woman had ceased to be a *femme sole*, the parties should enter a notice to that effect in some book to be kept by the Court. He also proposed to add a clause exempting Jewish marriages from the operation of the Act.

The several verbal Amendments were *agreed to.*

On the Motion of the noble and learned Lord the three following clauses were inserted in the Bill.

To follow Clause XVII.

Clause (A.) "Any Husband or Wife, upon the Application of whose Wife or Husband, as the Case may be, a Decree of Judicial Separation has been pronounced, may, at any Time thereafter, present a Petition to the Court praying for a Reversal of such Decree on the Ground that it was obtained in his or her Absence, and that there was reasonable Ground for the alleged Desertion; and the Court may, on being satisfied of the Truth of the Allegations of such Petition, reverse the Decree accordingly; but the Reversal thereof shall not prejudice or affect the Rights or Remedies which any other Person would have had in case such Reversal had not been decreed, in respect of any Debts, Contracts, or Acts of the Wife incurred, entered into, or done between the Times of the Sentence of Separation and of the Reversal thereof."

To follow Clause XX.

Clause (B.) "Where after a Divorce à Mensâ et Thoro or a Judicial Separation the Husband and Wife again cohabit, they may cause to be lodged with the Registrar of the Court a Declaration that their Separation has ceased, and the Registrar shall cause all such Declarations to be forthwith entered in a Book to be kept by him for that Purpose, and which all Persons shall be at liberty to search on Payment of a Fee of One Shilling; and until such Declaration has been so lodged with the Registrar, every Creditor or other Person shall in respect of the Debts, Contracts, and Acts of the Wife have the same Rights and Remedies as against the Wife and her Property as if such Separation had continued."

To follow Clause LVIII.

"Nothing herein contained shall give the Court hereby established Jurisdiction in relation to any Marriage of Persons both professing the Jewish Religion contracted or solemnized according to their own Usages."

On Clause 54,

EARL NELSON proposed an Amendment, the effect of which was to confine the marriages of divorced persons to civil contracts entered into before the registrar, thereby relieving clergymen from performing the ceremony, to which they might have conscientious objections. The noble Earl said that the divorce *à vinculo* was forbidden by the common law, which was based on the canon law, and that on the Scriptures. The advocates of the measure had shrunk from the Scriptural argument. Now, as this was an Act to repeal the ecclesiastical by the power of the civil law, the advocates of the measure had no right to avail themselves of the ecclesiastical power to carry out their objects. Those who in this House took the same view with himself were but twenty-six, but they represented hundreds out of doors who felt this law to be opposed to the Scriptures. How could a clergyman, when he put the question to persons presenting themselves to be married, whether they knew of any impediment to their marriage, how could he accept their reply that they did not? How could he conscientiously perform the ceremony under such circumstances? And if a clergyman, from conscientious motives, gave up his office rather than perform the ceremony, he was disqualified by the very fact of his holding holy orders from any civil office. They were thus forced either to violate their consciences or lose their means of living. There was an understood contract with the clergy, who were not represented in Parliament, not even in this House by the Bench of Bishops, for they had no voice in electing them. They ought to be consulted in this matter. The change ought to apply only to civil marriages.

Moved—" To insert after the Words (' to marry again ') the following Words (' in the Office of the Registrar, or in any Building registered under the Marriage and Registration Acts.')

THE LORD CHANCELLOR trusted their Lordships would not accede to this Amendment. In order to get rid of a supposed difficulty on the part of the clergy, they were asked to deprive persons of a religious ceremony which, in their eyes, might render their marriage more sacred. The law having said that certain parties were no longer married, and that it was lawful for them to marry, he could not see why any clergyman should refuse to give credit to the law and be justified in declining to perform the marriage service. The clergy would, no doubt, act in regard to any civil rights in the same way as any other of Her Majesty's subjects, and the law having said that these persons being no longer husband or wife, he did not think a clergyman would refuse to marry them.

THE BISHOP OF ST. DAVID'S said, the Amendment rested upon two distinct grounds, upon one of which he should be ready to assent to it, and upon the other to reject it. The scruples of the clergy were represented as resting partly on the law of the Church, and partly on the law of God. If it were simply a question of the law of the Church, he should feel great difficulty in saying that there ought, or could be any law repugnant to the law of the land, or that any law of the Church could be pleaded for refusing obedience to the law of the State. But, with regard to the law of God, it was impossible for any Act of Parliament to overrule, or change, or affect in the slightest degree any conscientious scruples on that ground. Without feeling those scruples, he sympathized with those who did, and as the measure would probably multiply cases in which divorce would be pronounced, he would assent to the Amendment.

THE DUKE OF ARGYLL trusted their Lordships would remember that they were discussing in a very thin and empty House a question which, in a very full House, had been decided by a large majority. This was the Amendment of the right rev. Prelate (the Bishop of Oxford) in an aggravated form, because, whereas the right rev. Prelate proposed only to give individual clergymen room to exercise their own scruples, this Amendment absolutely prohibited any clergyman of the Church of England, whether he had scruples or not, from celebrating marriages between persons, one of whom had been divorced. In another point of view he thought the right rev. Prelates should oppose it. What a step it would be towards the separation of Church and State if, by an Act of Parliament providing that parties under certain conditions might marry again, they enacted that they might be married by registrars or ministers of dissenting congregations, but not by clergymen of the Church of England? He contended that the legal effect of this Amendment would be that the marriage could not be celebrated in any church of the Church of England or by any clergyman of the Church of England.

THE BISHOP OF OXFORD said, he must call the attention of the House to a clause inserted at his own instance into an Act of last Session, by which clergymen were empowered to superadd the religious ceremony to any marriage which had been previously solemnized at the registrar's office in cases where the parties wished to avail themselves of the religious rite. He contended that the argument of the noble Duke fell to the ground, because the Amendment, together with the provision in the Act of last Session, would enable persons who wished to be married before the registrar, and yet to superadd the religious ceremony, to apply to a clergyman for that purpose, only taking care to obtain the services of one whose conscience would not be violated by the performance of the ceremony. The Amendment would therefore relieve clergymen who had a scruple in reference to such marriages, and at the same time enable parties to add the religious ceremony to a marriage solemnized before the registrar, if they wished to do so. He trusted, therefore, the House would grant this redress, for it was precisely in the track of the law that was passed last year, and so prevent the great evil of a collision between Church and State.

LORD REDESDALE supported the Amendment, contending that what was asked by it was strictly in accordance with the course of legislation in existing Acts of Parliament, and citing the case of the Quakers, whose conscientious scruples had been respected by the legislative permission accorded to them to substitute an affirmation for an oath. He added, that if he himself were a clergyman he should refuse to marry persons who had been divorced, believing as he did in the indissolubility of the marriage tie.

EARL GRANVILLE said, it had been admitted with perfect fairness that the effect of the Amendment would be to reverse a decision which had been arrived at in a very full House, and he did not believe that if the House were now equally full, there would be any disposition to adopt such a course. He could hold out no expectation on the part of the Government that, as at present advised, they would be inclined to acquiesce in the Amendment. He did not think the reference of the noble Lord to the case of Quakers was at all in point, for Quakers were persons who were not in a position which required them to discharge public duties. If, as a right rev. Prelate had said, these marriages were forbidden by the law of God, why should a registrar be compelled to solemnize a marriage which he might consider contrary to the Divine law, while a clergyman was relieved from such an obligation.

THE BISHOP OF ST. DAVID'S explained that his argument was, that a clergyman might have scruples, believing marriage under these circumstances to be contrary to the law of God. But he could not understand what kind of conscience that must be in a civil registrar, that could object to register a civil contract.

THE BISHOP OF LLANDAFF said, although he did not think that the dissolution of marriage was in every case forbidden by the law of God, he believed that remarriage was contrary to that law. He would, therefore, support the Amendment.

THE BISHOP OF SALISBURY said, he was convinced in his own mind that the marriages against which the Amendment was directed were contrary to the Divine law, and if he were called upon to solemnize such a marriage he could not hesitate as to which law he should follow—the law of his God or the law of the State. He, therefore, besought their Lordships, by adopting the Amendment of the noble Earl, to give clergymen a means of escape from the difficulty in which they might otherwise be placed.

EARL GREY said, that when this question was previously before the House he had not supported the Amendment of the right rev. Prelate, who wished, as it appeared to him, to claim for individual clergymen the right to refuse to perform certain marriages which they thought contrary to the law of God. In his opinion it would be most objectionable thus to lay down the principle that the ecclesiastical law was to supersede the law of the land, and that individual clergymen might determine which law they would obey. As he understood, a practical and legal marriage could be contracted before a registrar, and therefore the inconvenience which might have arisen under the right rev. Prelate's Amendment would be in a great measure obviated. The statements made to-night as to the existence of scruples of conscience on the part of clergymen were much stronger than those made on the previous occasion, and he thought that, even as a matter of policy, such scruples ought to be treated with every possible indulgence. He trusted that Her Majesty's Government would adopt this Amendment; but, feeling the inexpediency of reversing in a comparatively small House, and when the question was not expected to be raised, a decision previously come to, he should recommend the noble Earl who had moved the Amendment not to press it to a division at present, but to bring it forward again on the third reading of the Bill.

The Bishop of GLOUCESTER said, that in his own diocese there was a considerable number of clergymen who regarded this as a scriptural question. If the Bill passed without the insertion of some protection for the consciences of such clergymen, what the noble Duke (the Duke of Argyll) had said would be true in a different sense from that in which he meant it, and this would be a most important step towards the separation of Church and State.

Lord STANLEY of ALDERLEY said, that if their Lordships considered only the scruples of clergymen they might place in a very difficult position many members of the Church of England who objected to be married before a registrar. The effect of the principle involved in this Amendment would be to relieve the clergyman from the performance of any duties imposed upon him by law which he chose to say violated his conscientious scruples. He, for one, should most strongly object to the introduction of such a principle. On that ground, therefore, and because it was most unusual in a comparatively small House, consisting chiefly of friends of the Motion, to attempt to reverse a previously arrived-at decision, he hoped their Lordships would not agree to this Amendment. If they did, the question would be again brought forward, and there would be a third discussion.

Viscount DUNGANNON objected to the statement of the House being taken by surprise. Due notice had been given by his noble Friend of the Amendment to which the noble Lord objected.

Earl NELSON repelled the charge of surprise, not having written to his most intimate friends respecting the clause. He regretted that he could not adopt the suggestion of the noble Earl (Earl Grey) opposite, which was a good one, if accompanied by any promse from the Government to reconsider their decision. As that promise had not been given he should feel bound to divide the House.

The LORD CHANCELLOR said, that his impression of the clause was, that it would not enable the person to be married before a clergyman. Under the new Marriage Act it was quite clear that no marriage could take place except in the office of the registrar, or in some registered building. He trusted the House, whether taken by surprise or not, would not introduce so important an alteration as that suggested without its being materially considered. The language ought to be such as to place it beyond all possible doubt.

Earl NELSON would be happy to insert the words "In accordance with the Marriage and Registration Act," if the noble and learned Lord (the Lord Chancellor) would promise to support the Amendment.

Lord DENMAN believed that the Amendment would empower a clergyman to shut the church door in the face of any one that he believed to be a guilty person. He should therefore oppose it.

On Question, Whether the said words shall be there inserted? Their Lordships *divided*:—Contents 17; Not-Contents 20: Majority 3.

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NOT-CONTENTS.

Cranworth, L. (*L. Chancellor.*)
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Denman, L.
Foley, L. [*Teller.*]
Meldrum, L. (*M. Huntly.*)
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Stanley of Alderley, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Truro, L.
Wrottesley, L.

Lord REDESDALE gave notice that on the third Reading of the Bill he should move the omission from the third clause of the words "and divorce;" and in the event of the House agreeing to omit those words, to move such further Amendments as may be required to deprive the Court of the power of pronouncing decrees for the dissolution of marriages.

The Bishop of OXFORD gave notice that, in the event of this Amendment not being carried, he should move that the Bill be read a third time that day six months. The Bill contained several Amendments of the law which he should be glad to see carried into effect, but he could not consent to purchase them at the cost of the very serious injury to the morals of the people which the introduction of this law of divorce would bring about.

EARL NELSON also gave notice that he should again move the Amendment which had just been negatived, or one to a similar effect.

Bill to be read 3ª on *Monday* next.

House adjourned at haft-past Nine o'clock till To-morrow, half-past One o'clock.

HOUSE OF COMMONS,

Friday, June 12, 1857.

MINUTES.] PUBLIC BILLS. — 2° Grand Juries (Metropolitan Police District); Inclosure Acts Amendment.
3° Joint-Stock Companies Act Amendment; Court of Exchequer (Ireland).

TROOPS IN THE MAURITIUS—ORDER OF THE MEDJIDI—QUESTIONS.

MR. LAURIE asked the Under Secretary for War, whether the regiments at and upon their passage to the Mauritius have orders to proceed to China; and whether the pay will be at the same rate as the regiments now quartered in India; and, if not, why not? Also, to repeat the question as to when the Order of the Medjidi will be issued?

SIR JOHN RAMSDEN said, that some of our troops were now upon their way from the Mauritius to China, but they were so simply in the ordinary routine course of relief, and it was not the intention of the Government to draw upon the force usually stationed at the Mauritius, in order to reinforce the expedition to China. The troops in China would not receive the same rate of pay as those which were quartered in India. They would, however, be paid the ordinary colonial allowance as now issued in the case of the troops stationed at Hong Kong. In reply to the last question, he had to state that the official list of those upon whom the Order of the Medjidi was to be conferred would soon be published, and he might add that it would have been published before, were it not that it had been found necessary to make certain alterations in the mode in which the list had been drawn up.

REFORMATORY SCHOOLS BILL.

QUESTION.

SIR EDWARD KERRISON asked the Secretary of State for the Home Department, whether it is his intention to introduce Amendments in the Reformatory Schools Bill, to render more effectual the process of obtaining money from parents for the maintenance of their children in reformatory schools?

SIR GEORGE GREY said, he hoped when the Bill went into Committee, to be able to introduce into it certain Amendments to effect that object.

On Motion, "That the House at rising adjourn till *Monday* next."

ST. JAMES'S PALACE—THE DRAWING ROOMS—OBSERVATIONS.

MR. G. DUNDAS: I rise, Sir, in pursuance of notice, to call the attention of the Government to the great inconvenience which is experienced by ladies attending Her Majesty's Drawing-rooms at St. James's Palace, owing to the want of proper arrangements for their reception and departure. Sir, the subject may not be one of public importance, nevertheless it is one of no small domestic interest, for it concerns the comfort, the convenience, and the health of a large portion of Her Majesty's most loyal and dutiful subjects, and those over whose happiness it is one of our first and principal duties and privileges to watch. This is by no means the first time the matter has come before the public, for complaints of the faulty arrangements at St. James's Palace on days when Her Majesty holds Courts there, date from Her Majesty's accession, and have been ever since of annual recurrence, and indignation has been annually expressed at the ordeal gone through by those who attend those assemblies, which, instead of being a pleasing and agreeable duty, has become a painful and distressing task, in consequence of the defective arrangements and the limited and inconvenient accommodation provided. But all these complaints and all that indignation pass by and are forgotten, because the sufferers in question are of the gentler sex, whose voices cannot be heard within these walls, and who are, therefore, constrained to suffer in silence, or at least to content themselves with making their complaints known through the circles of their friends or through the columns of the newspapers.

The grievance, however, has at length become unbearable, and the proceedings of last Saturday leave one a hope that scenes so painful and so distressing as were then witnessed have occurred for the last time. I am confident that, had the noble Lord at the head of the Government, whose generosity and sympathy towards those whose hardships I am endeavouring to represent is so well known—I am confident that, had he been a witness of those scenes, he would be induced to give orders that would prevent their recurrence. Indeed, I know that it is only necessary to call his attention to the fact, to ensure such a change as shall effectually prevent similar complaints in future. I need hardly remind the noble Lord, who, I regret, is not in his place—I need not remind the right hon. Baronet the First Commissioner of Woods, that times have greatly changed since this pile of buildings afforded ample accommodation, as it did in the times of the Stuarts for the assembling of the Court. What was in those days considered magnificent is now considered insignificant; and apartments which were then constructed as lofty and spacious, are now held to be small and mean. And how much more is the evil augmented, when we consider the vast increase in the numbers of those who throng to pay their respects and duty to their Sovereign—a crowd composed of the flower of the British people, who, on State occasions, contribute to form the most brilliant Court in the world, and an assemblage of beauty, the like of which no other nation in Europe can boast. But, Sir, if, on the one hand, we may well cherish a feeling of pride that these were our fair countrywomen, it is equally difficult, on the other hand, to repress a feeling of shame that they should have been exposed to the pains and hardships of Saturday last. It is only necessary to say, that 981 ladies attended the Drawing-room on Saturday last, of whom 264 were presented. In addition to this, there were a very large proportion of gentlemen present; but the returns upon that head he had not been able to obtain. However, keeping those numbers in view, it requires no great stretch of imagination to realize what on Saturday last was the state of that long, narrow corridor, which afforded the only means of egress and access to the Palace, excepting, of course, the private *entrée*, which is at the disposal of a limited number. It was rather with respect to the limited number of those ladies who were making their egress from the Palace, that he now wished more particularly to speak. It was difficult to imagine an arrangement more unsuited for the departure of a large number of people from a building. The corridor terminates abruptly at the front door of the Palace, and up to this door carriages are driven in rotation, and the names are called. But by this time the passage has become choked from end to end, and the pressure at the door has become excessive, so as to make the road to the carriage a matter of great difficulty and danger for a lady. When at last, however, she does reach the door, after a violent struggle, panting and exhausted, with her clothes crushed, perhaps torn, she finds her carriage has been compelled to drive on, and that her only alternative is to remain in the open shed, the only accommodation afforded, with a number of other ladies who are in a similar condition. In this plight, exposed to the inclemency of the weather, in the midst of the rain and damp, they are exposed to contact with attendants whose clothes were saturated with moisture. On Saturday last too many ladies had to endure all this—yes, prostrated with fatigue, fainting from the exhaustion, the heat, and the pressure of this "middle passage;" with, perhaps, costly and splendid clothing, crushed and utterly destroyed—many sunk on the matting for repose; not stretching themselves on benches, prepared against such an emergency, but upon the soiled and coarse matting that covered the flagstones, to wait there in patience for the moment when the carriages should be brought to their relief. Nor were benches wanted elsewhere, which might have alleviated in no small degree the amount of their sufferings. But where were they? Why, with a degree of ingenuity that reflected the highest credit upon the skill and judgment of somebody, these benches were placed in a position, not only entirely useless, but where they were a positive stumbling-block and a nuisance. They were placed down that large room where is placed that miserable structure known as the "pen," where they did the duty of traps and pitfalls, and caused not a few ill-fated ladies to be thrown violently to the ground. But why should he mention any particular arrangements where all were so bad. For what can be worse than the miserable "pen," at the fatal entry to which many a fair young girl's anticipations of a Drawing-room receive their first shock, and from which she escapes, perhaps, with a mutilated costume, no longer in a condition to be introduced to her Sovereign. Sir, do not think I have exaggerated a scene which I myself have with pain witnessed, and of which not a few ladies have assured me of the reality. I trust that I have said enough to justify me in having brought the matter before the House, and I feel that the appeal I am now making will not be disregarded by the noble Lord; but now that the circumstances have been brought before him, a remedy will be found. I am very confident also, Sir, that if our Royal Mistress could be made aware of how much was endured by those who gather together to bow before her and do her honour, that those warm sympathies which she possesses in so pre-eminent a degree, and which she never fails to extend to all her subjects, not only the highest and noblest in the land, but also the lowest and most humble, would impel her to have steps taken to prevent the recurrence of scenes so painful and so unbecoming.

SIR BENJAMIN HALL then rose, but for some time he was unable to proceed in consequence of loud cries from the Opposition benches for Lord E. Bruce (the Vice Chamberlain). At length, however, the right hon. Baronet proceeded to say—Sir, I have much pleasure in answering the appeal of my hon. Friend. I believe it is impossible to exaggerate the great inconvenience experienced by the ladies attending the Drawing-room on Saturday last. It must, however, be recollected that Drawing-rooms are now held in the same apartments in which they were held many years ago, when but from 100 to 200 persons assembled for the purpose of paying their respects to the Sovereign. And it may not be unknown to hon. Members that the time was, when, on the occasion of these Drawing-rooms, there being then sufficient room for the purpose, the Queen was in the habit of going round and noticing those persons whom she desired to honour. Instead, however, as then, of there being but 100 or 200 persons to assemble in the room, there were now upwards of 1,000—perhaps 1,400—persons gathered together. And, although the dresses of the ladies in former days were very large, yet I believe at the present moment they occupy very nearly the same space. It is, therefore, utterly impossible that any comfort should be experienced by those attending a Drawing-room in the present day. At the same time, I am happy to be able to inform the hon. Gentleman and the House, that I have received instructions from Her Majesty's Government to prepare plans for the purpose of enlarging the accommodation of St. James's Palace, and I hope I shall shortly be able to submit such plans to the House.

LORD JOHN MANNERS: May I ask, whether the works will be commenced before the plans are submitted to Parliament?

SIR BENJAMIN HALL: The plans are not as yet drawn up; but, of course, the works will not be commenced until they have first been submitted to Parliament.

BOARD OF HEALTH BILL.
QUESTION.

MR. KNIGHT said, he wished to know when the Committee on this Bill would be taken.

SIR GEORGE GREY said, he would put it down second on the paper for Monday.

MR. PALK said, that there was certainly a misunderstanding in regard to the time when the discussion on the bringing up of the Report on the Army Estimates would come on. Under such circumstances, he hoped that a longer time would be afforded the House for the consideration of the measure in question, as several hon. Members had been instructed by their respective constituencies to give some of the clauses of the Bill every opposition in their power.

SIR GEORGE GREY said, that an opportunity would, of course, be given for an ample discussion of the subject.

MR. HENLEY said, that no hon. Member could have expected that the Government would have withdrawn the Civil Service and other Estimates upon the occasion referred to, for the purpose of proceeding with the Bills which had followed them on the paper. Consequently many hon. Members who wished to take part in the discussions upon them were absent. When notice was given for Supply, the common practice was, for the Committee to proceed with the consideration of the Votes until about twelve o'clock.

SIR DENHAM NORREYS said, that as the question of the survey of Scotland was to be brought in on bringing up the Report of the Army Estimates, would not the Government arrange to bring up the Report at an early hour—say on Thursday next?

THE CHANCELLOR OF THE EXCHEQUER said, he would state what arrangements would be made on Monday.

Motion *agreed to.*

House at rising do adjourn till *Monday* next.

On the Motion, "That Mr. Speaker do leave the Chair" for the House to go into Committe of Supply,

PRESTON UNION—OBSERVATIONS.

MR. COBBETT said, he rose to call the attention of the House to the circumstances under which an order to build a workhouse was addressed by the Poor Law Board to the Guardians of the Preston Union (Lancashire). The hon. Gentleman said that by the Poor Law Amendment Act, the Poor Law Board had the power, when they had obtained the assent of a majority of the Board of Guardians of a union, to order the local authorities to purchase land for the purpose of building a workhouse. The 38th section of the statute declared that there should be at least one elective Guardian for every parish, and that the county justices of the peace should be *ex officio* Guardians. It was also enacted that nothing should be done by any Guardian as a member of the Board except at a meeting; but this rule was subject to one very remarkable exception; namely, that the Poor Law Board should have power to dispense with this last provision. The Poor Law Board had for many years endeavoured to induce the Guardians of the Preston Union to build a new workhouse, which the Guardians always resisted on the ground that they had good and sufficient workhouses. It appeared, however, that the Poor Law Board put themselves in communication about the latter part of 1855 with the Chairman of the Union, who was an *ex officio* Guardian, and obtained, principally through his instrumentality, the signatures of twenty-two out of twenty-four of the other *ex officio* Guardians, and also of eleven of the elective Guardians, to a requisition to the Poor Law Board, praying that Board to issue an order calling on them to build a union workhouse. In that union there were forty elective and twenty-four *ex officio* Guardians, so that the majority in the present instance was composed principally of *ex officio* Guardians. The order was applied for in March, 1856, and it was made by the Poor Law Board accordingly. He was anxious to elicit an explanation as to the reasons for this proceeding from the right hon. Gentleman (Mr. Bouverie); also, whether it was the practice of the poor Law Board to obtain the sanction of Poor Law Guardians in this manner, and whether it was their intention to enforce the order they had issued respecting the Preston Union. This was a question of considerable importance, because many other unions were similarly situated to that at Preston, and it was felt that the rights of the ratepayers were involved in this matter.

MR. BOUVERIE said, that the workhouse at Preston was not a good one or in a satisfactory state, and it was the desire of a great number of the Poor Law Guardians, including the Chairman, that a new workhouse should be built; and they accordingly applied to the Poor Law Board for an order for the purpose. The workhouse could not be ordered without the consent of a majority of the whole number of the Guardians, nor without the consent of the Poor Law Board. It had been the practice of the Poor Law Board to issue such an order upon a requisition being presented to them signed by a majority of the Guardians. That was precisely the course taken in respect to the Preston workhouse. The hon. and learned Gentleman complained that this order had been issued in spite of the elective Guardians. He (Mr. Bouverie) had, however, yet to learn that, in point of law and in every other respect, those *ex officio* Guardians had not precisely the same power as the elective Guardians to decide upon all such questions. Being gentlemen residing in the district, they were thoroughly competent to judge as to whether there was or was not a necessity for the erection of a new workhouse. He had no reason to suppose that the majority of the ratepayers was opposed to this proceeding. What further course the Poor Law Board might be induced to take in reference to this matter he was not then prepared to say.

SIR GEORGE PECHELL said, that the right hon. Gentleman had naturally supported a very unauthorized order, and if he had kept within the law he had certainly sailed very near the wind, and if the practice in question was within the law, the sooner it was altered the better. If they had the whole of the correspondence that took place upon the subject between the Guardians and the Poor Law Board, it would show how many of the *ex officio* Guardians had signed the requisition to the Poor Law Board requesting it to issue the order referred to. He had been informed that some of those Guardians had never attended the Board at all, and some of them might not be ratepayers in the district.

MR. DRUMMOND trusted the right hon. Gentleman (Mr. Bouverie) would not be intimidated by the cry raised against him throughout the country by these Boards of Guardians. If the law required amendment at all, it was in order to put more power into the hands of the Poor Law Board. As to the *ex officio* Guardians, it was perfectly right that they should not attend at the transaction of the ordinary business, which was far better left in the hands of the elective Guardians. But on special occasions it was the duty of the *ex officio* Guardians to see that something else besides the interest of the ratepayers was thought of. That interest alone was too generally considered, just as in the case of the Scotch lunatics; it was what would save most money to the ratepayers, and what was most economical that guided the Guardians, not what was most beneficial to the poor. The same principle regulated the allowances made to the doctors, which were reduced to so low a sum that it was utterly impossible for those gentlemen to attend properly to the duties of their position upon such terms; and everybody accustomed to attend these Boards must have noticed that when physic was prescribed to a sick man in the workhouse the Guardians had no objection to it, but when wine or other nourishment was ordered they usually rose against it. The conduct of the Poor Law Guardians was in many instances abominable. What would have been the condition of the poor in Marylebone and other parishes if it had not been for the exertions of the Poor Law Board? He trusted that if the right hon. Gentleman thought he had not sufficient power he would appeal to this House for more. Hon. Members behind me (Mr. Drummond concluded) are fond of reform; they are fond of universal suffrage. Well, then, let them take it now. Let the poor in future elect the Guardians, and not the ratepayers.

EXPENDITURE IN ST. JAMES'S PARK.

OBSERVATIONS.

SIR FRANCIS BARING rose, pursuant to notice, to call the attention of the House to the expenditure in St. James's Park. He did not intend on this occasion to discuss the propriety of any Vote contained in the Estimates. Such a course, indeed, would be irregular; it would have been his duty to do this, if at all, when they were proposed in Committee. His object was to bring before the House a question which appeared to him of more importance than the actual money spent; he meant that relating to the privileges of the House, and the course pursued by the Government. About a month ago, finding that some expenditure was going on in the parks not depending on any Vote of Parliament, he moved for certain papers on the subject. He did not at all complain of their not being forthcoming before, but they had only been presented within a few days, and he was forced to bring the matter before the House now, because the Vote itself would be considered early in Committee to-night. With regard to the facts of the case, he apprehended there would be no great difficulty. Everybody knew that certain works had been going on in St. James's Park; that the lake, as it was called, had been cleaned out, that the bed had been cemented, and that considerable expense had been incurred, which must be paid. There was no doubt of this; and it was equally undoubted that no money had been voted by Parliament on account of these works. Here he might refer to the Estimates, not with a view to discuss whether the expenditure was proper or not, but merely to show the amount demanded. The Estimates, then, stated that about £11,000 had been expended, and the House would by-and-bye be asked to vote that money on account of it. Now, he apprehended that there never was a clearer case of expenditure incurred without the sanction of Parliament, and he thought this was not a question of trifling importance, to be dealt in Committee as a mere Estimate open to criticism and objection. He did not intend to discuss whether the expenditure was a proper or an improper one—whether too much or too little had been spent. That was quite foreign to the more important point involved, which was this:—Admitting that Parliament ought to have voted the money, and that not a sixpence had been unnecessarily expended, how came it that public money had been expended at all without the sanction of Parliament? Every schoolboy knew how important a privilege it was, and not only a privilege but a duty, for Parliament to preserve intact this check upon the public expenditure. Perhaps, however, as this was a new Parliament, he might show from his own recollection how other Houses of Commons had dealt with cases of this kind. In 1841, when he was Chancellor of the Exchequer, the First Lord of the Admiralty, in consequence of the disturbances in Syria, thought it necessary for the public service to exceed his Estimates, and incur certain expenses which had not been brought before the House of Commons. The subject came before the House. No one expressed a doubt as to the propriety of the increased expenditure; everybody seemed to admit that the Government had exercised a wise discretion under the circumstances in taking further precautions than were thought necessary when the Estimates were voted. But still the course taken was objected to; and the Government were called upon not only to explain, but to give satisfaction for having exceeded the Estimates. Upon that occasion, Ministers admitted that extreme necessity, and the fact that Parliament was not sitting at the time, formed their only justification; but such was the view entertained that a Bill of indemnity being suggested, he himself brought in a separate Appropriation Act with the view of marking that the transaction was an irregular one, not lightly to be passed over. The predecessor of the present Speaker thought that objections existed to the passing of such a Bill, and it was accordingly withdrawn; but in the Appropriation Act of the Session a special clause was introduced which stated the necessity, and granted the money only on that ground. Again, it happened that in Lord Auckland's time the Estimates upon the item of the dockyard battalion had been exceeded. The justification then was, that at that moment there were reasons why additional measures should be taken for the protection of the country. Parliament, however, was so far from admitting such an excuse that Mr. Hume moved a Resolution, which was pretty nearly equivalent to a vote of censure, declaring it to be the duty of the Government not to exceed the Estimates, and this Resolution was agreed to without a dissentient voice. That instance was a still more remarkable one than the one he had first mentioned, for the Treasury had given the Admiralty a very strong "jobation" for what it had done. The House would see that these were cases of a much lighter character than that upon which he was remarking, because there Parliament had admitted the principle of the expenditure, and had actually voted a certain sum; and it was always considered that a mere excess of expenditure upon a sum granted was a more venial irregularity than to spend money upon a work which Parliament had never sanctioned, as in the present instance. On looking at the last Report of the Audit Office which had been presented, he found that the Auditors referred to a correspondence with the Treasury, in which they pointed out that in twenty-five instances works had been undertaken and paid for by the Board of Works before the sanction of Parliament had been obtained and that that sanction had not been obtained, until after the completion of the works. Some of those works were trifling in amount, but there was an item of £1,000 for wood pavement, and another of £1,600 for the great clock. He perceived that his right hon. Friend stated in explanation that all these were cases of emergency, and that he could not wait for a Vote of Parliament. He (Sir F. Baring) did not know whether that great clock was connected with the great bell which was to carry down his right hon. Friend's name to posterity, but he did not exactly see any emergency in the case which rendered it impossible to wait for a Vote of Parliament. As he had said, these sums were small in amount, but bad practices were always introduced by small irregularities at first, and when the House found that two years ago there were twenty five small peccadilloes, and that now we had arrived at about £11,000 so expended, it was time for Parliament just to show that it had not forgotten that which he apprehended to be one of its principal duties, namely, the control of the public expenditure. Hon. Gentlemen who had read the evidence before the Public Monies Committee would observe that a very strong impression prevailed that the principal check which there ought to be on the public expenditure should consist in the audit. That might be a right or a wrong view—he would not stop to discuss it; but if it were right, and if all other checks were insufficient, he begged his right hon. Friend to look for a moment to the return which had been presented last year upon the state of the accounts in the Audit Department. He found from that return that the accounts of the "Commissioners of Her Majesty's Woods, Forests, Lands, Revenues, Works, and Buildings," had been received up to 1851, and that they had been audited up to 1848; so that the audit of that department was nearly nine years in arrear. In 1851, a double audit took place, one called the audit of the expenditure, and the other, the appropriation audit; and to this latter, which was brought forward from year to year, great value was very properly attached. The Reports of the Auditors were full of complaints of the way in which the accounts were brought before them, and the auditors stated that they were not able to present them to Parliament in a satisfactory manner, owing to the way in which the balances of one year were carried on to the succeeding year. Under these circumstance, he (Sir F. Baring) thought that, instead of waiting for another year or two to find out how the money had been expended in St. James's Park, it would be better to bring the subject before the House at once, in order to obtain some explanation from his right hon. Friend. Whether that explanation should be verbally satisfactory or not, he thought that the House should not agree to a Vote including the money already spent without having the whole of the papers before them, and he should be glad if his right hon. Friend would give a pledge not to proceed with the Vote until the full papers were presented to Parliament. He did not wish to interfere with the business of the House, and he should not follow up the subject, therefore, with any Resolution.

SIR BENJAMIN HALL said, that his right hon. Friend who had just sat down had moved upon the 20th of May for papers in relation to the works which had been proceeded with in St. James's Park; that on the 5th of the present month those papers had been presented to Parliament, that they were now being printed, and that they would very shortly be laid before the House in a printed form. He concurred most fully in all that his right hon. Friend had said as to its being the duty of Parliament to watch with jealous care any expenditure of public money which had not been sanctioned by a Vote of the Legislature; and he thought that whoever called upon the Treasury for any expenditure of public money which had not been so sanctioned ought to hold himself responsible for his conduct, and ought to be prepared to give a good and sufficient explanation to the House of Commons with respect to it. He proposed, therefore, to state to the House every circumstance in connection with the expenditure upon the lake in St. James's Park. At the end of July, 1855, he was appointed to his present office, having previously held the appointment of President of the Board of Health. He was at the Board of Health during the time that the cholera was raging in the Metropolis, and he was then brought into frequent contact with the principal medical practitioners in London; and almost every one of them to whom he had spoken had pointed out the defective state of the lakes in the parks, and had urged the necessity of having them put into a proper condition. On the 12th of October he wrote to the Treasury, stating that fact, and recommending the propriety of some steps being taken in order to improve the state of the lakes in the parks of the Metropolis. He stated also that before any works of that kind could be carried out, it would be necessary to make an outfall drain from the lake in St. James's Park, because it happened, owing to circumstances which had occurred many years ago, that the outfall was about five feet higher than the bed of the lake. He received the sanction of the Treasury to the making of that outfall drain, and hon. Members must be aware that it was a very heavy work. It went from the Victoria sewer near the Thames under the archway of the Horse Guards, and it was finished during last summer. The House would recollect that last Session a Select Committee was appointed to consider the communication from Pall Mall to Pimlico, and other communications through St. James's Park, and one of the resolutions arrived at was that there should be a footbridge made across the ornamental water. On the 6th of June he proposed to the House a Vote of £2,800 for the erection of such a bridge, but his proposition was rejected. The bridge was to have been very similar to the one which was now being erected there, only instead of being a suspension bridge it was to have been supported by light cast-iron pillars, and it would have been much cheaper than the present bridge, and it would not have been necessary in order to build it that the water should have been let out of the lake. That Vote was rejected, however, and the House determined that there should be a suspension bridge. That was resolved upon towards the close of last Session, Parliament breaking up in the third week in July. He then found that it was essential that deep foundations should be executed for the new bridge, that it would be absolutely necessary to let the water out of the lake, and that it must be out for a considerable time during the progress of the works. Taking that into consideration, knowing also the desirability of cleansing the lake, and that about 40,000 or 50,000 cubic yards of stuff would be required to fill up the holes and inequalities in the lake in order to render it safer for skaters and sliders; and finding, moreover, owing to the many buildings which were going on in the neighbourhood, that he could obtain that material for nothing, whereas in another year it might cost him 2*s.* or 2*s.* 6*d.* a yard (which would make a difference of £4,000 or £5,000 in the cost of the works), he had thought it better to urge upon the Treasury the necessity of proceeding with the works at once, instead of waiting for another year, when the cost of the material to which he had alluded might have added nearly fifty per cent to the original estimate. Under these circumstances, he thought the House would be of opinion that he was justified in urging on the Treasury the expediency of commencing a work which he believed to be necessary for the comfort and well-being of the inhabitants of the Metropolis. He wrote to the Treasury requesting power to proceed with the work, and on the 27th of August received their sanction. It had been his intention to ask for a Vote this year for the purpose of beginning the work, but under the circumstances he had stated he thought no time was to be lost, because it was impossible to say whether he might not be obliged, if he delayed, to ask for a very much larger sum. He therefore thought it best, as it was necessary to let out the water of the lake, to proceed with the work. That was the full explanation he had to give. He was ready to admit that neither he nor any one connected with a public department ought to spend the public money without the sanction of Parliament, yet circumstances might arise making it absolutely necessary and expedient that money should be spent without waiting for that sanction. His right hon. Friend had said that it was the practice for the Office of Works to spend sums of public money without a Vote of the House; and, having done so and executed the works, that then the First Commissioner came down to Parliament, and asked that money might be voted for the purpose of paying the expense of the works carried on by his authority under the sanction of the Treasury. He could assure his right hon. Friend that, whatever might have been the practice in former years, such was not the practice at present. In looking through the Estimates for the present year he found very few cases, and those of a very pressing nature, of works for which charges were made without the authority of Parliament. His right hon. Friend had called attention to two sums especially, one of which was on account of the construction of the clock, which he would allude to at once. He found that there was an agreement made with Mr. Dent, the maker of the clock, to the effect that as soon as the gentlemen to whom the matter was referred gave a certificate that the clock was in a proper state and went well and ought to be purchased, a sum should be paid on account. He therefore was bound, as soon as he was called on by Mr. Dent, to ask the referees whether they would give a certificate, and on receiving it he was also bound to write to the Treasury asking for the amount which he thought Mr. Dent fairly entitled to under the circumstances. Another item was occasioned by the distribution of the Crimean medals. That was a matter which could not be foreseen, and £1,600 were paid on account of it. There was a charge for ventilation, but that matter, he believed, was determined by a Committee of that House before he was in the office he now held. His right hon. Friend had called the attention of the House to the state of the accounts of the office. He was not aware that that question would have been brought forward, otherwise he would have been better prepared to give explanation respecting it. He was bound to say that, from circumstances over which he had no control, he found, when he first went to the Office of Works, the accounts in a most unsatisfactory state. This was owing to circumstances which the House would admit rendered it to some extent excusable. He found that the gentleman who was the principal secretary in the office had not, in consequence of severe illness, attended the office for eleven months, and the assistant-secretary very shortly after he (Sir B. Hall) entered the office was seized with a malady which affected his head. This gentleman in consequence left the office very soon, and was now in a very unfortunate state. Other matters connected with the office, which it was not necessary for him now to enter upon, also contributed to occasion the bad state of the accounts; he might state that no less than four hundred and forty-four queries had been sent from the Audit Office to be answered by the Office of Works, and of them he believed there were not thirty in allusion to the accounts passed during the time he had the honour to fill his present office. All those four hundred and forty-four queries had been answered during the time he had been in the office to the satisfaction of the Audit Office, and he believed that the accounts of the office were now in a most satisfactory state. He had only to repeat, with respect to the expenditure on St. James's Park, a large sum of money would hereafter be saved in consequence of the course which had been adopted.

Mr. BENTINCK did not wish at any time to obstruct any Vote that might be required for the service of the country; but the House had a right to object to wasteful expenditure and he thought, when they compared the Votes they would be asked to agree to that night with those to which they had assented on a former night, it would be clear that while there was, on the part of the Government, a disinclination to bring forward Votes for sums necessary for the defence of the country, they were quite ready to propose Votes for works which were quite dispensable on the score of utility. On a recent occasion they were told by the First Lord of the Admiralty, that although it was impossible to coal Her Majesty's ships in Plymouth Sound on an emergency, yet that the Government did not propose to take a Vote for remedying this defect during the present year; and, on a subsequent night, they voted the magnificent sum of £13,000 for the defence of the mercantile ports of Great Britain. They might have just as well voted 13,000 pence; and this was the time when the Government had expended £11,000 for the alteration of fish-ponds, and the placing of flower-pots. This showed that it was requisite that there should be some general head to decide what money Parliament should be asked for, and to secure its appropriation to the legitimate wants and proper defence of the country, and not to the trifling objects to which it was now diverted. It was all very well for the right hon. Baronet opposite to obtain Votes for the purpose of adorning the metropolis, and gratifying his constituents.

Mr. SPEAKER said, it was his duty to remind the hon. Member that the specific details of the Votes would be better discussed in Committee. The right hon. Baronet had confined himself to a question, which he considered was superior to details, and that was whether certain sums should be expended without the authority of Parliament. That was practically the point to which the attention of the House was directed.

Mr. BENTINCK said, nothing was further from his intention than to violate the rules of the House, and he was sorry that he should have conveyed to the House the idea that he was discussing details. for he had wished to confine himself to principles. He was contending that our existing financial system was defective, inasmuch as it did not provide for any effective supervision of the Votes of that House, and of the public expenditure. It might be quite right to beautify the metropolis, but this should be done by a local rate, not by the public purse. What would be said if it were proposed to vote a sum of money to beautify a distant place? How many thousands of those who would have to contribute to this Vote would never visit the metropolis, and would never enjoy what they were obliged to pay for? He wished to draw the attention of the House to the fact that, while there was an increase of £24,000 in the sum voted for parks, pleasure gardens, &c., there was a decrease of £100,000 in that voted for harbours of refuge. To that he objected. He would have money expended upon national objects, and not upon those the enjoyment of which was confined to the people of London.

Sir DENHAM NORREYS understood that the steps taken by Sir B. Hall, in St. James's Park, were for the sake of saving a larger expenditure which would have been necessary had delay taken place. If that were so, it would be a justification; but he thought that the right hon. Gentleman should give full information upon this point before he asked them to agree to the Vote. His advice to the House was, to give confidence to the right hon. Baronet, but to watch him well.

Mr. BERESFORD HOPE rose to protest against the principle which had been laid down by the hon. Member for West Norfolk, that the decoration of the metropolis, which was the seat of Government, was not a legitimate expense to the country generally. The parks of London contributed not only to the health and happiness of the millions who resided in London; but they also contributed to the pleasures of all those who from time to time visited London from every part of the country. Again, if the principle were admitted that no money could be expended on any work which it could not be proved would be enjoyed by every taxpayer, society would soon be reduced to a state of disorganization and barbarism. According to the views enunciated by the hon. Member, no taxation was to be thrown upon the country for any purpose from which all the community did not benefit. Now, the hon. Gentleman had referred to harbours of refuge. He did not wish to interfere with the construction of harbours of refuge; but, taking the hon. Gentleman upon his own hypothesis, he would beg to ask him what advantage harbours of refuge were to the inhabitants of the midland counties? On what ground, too, could the Votes for the Professors at the Universities be supported? Such a view appeared to him to be an absurdity. The proper principle was the principle of counterpoise—to agree to grants which benefited one place, and then to grants which benefited another. If that principle were not carried into effect, and if improvements like the one under consideration were refused, England would be regarded by the other Powers of Europe as a nation which, with greater means at her command, had disgraced herself by showing herself more niggardly than any other people in the world.

Lord JOHN MANNERS said that, as far as he had gathered from what had fallen from the right hon. Baronet, he understood that the works in St. James's Park had been undertaken in consequence of a representation which had been made to him in the autumn of 1855 by certain medical gentlemen. Now, if that were the case, he was astonished that the right hon. Gentleman had not during the last Session informed the House of his intentions. The course he had adopted created grave alarm for the future, for as far as he could make out, the complaints of those medical gentlemen applied not only to the water in St. James's Park, but to that in the Serpentine also. It was no new thing, however, for a President of the Board of Works to have similar statements addressed to him. When he had the honour of holding that office a very important medical deputation had waited upon him upon the same subject. He had then looked into the matter, and found that the opinions upon the subject were very often very various. As regarded the opinion which had been expressed to the right hon. Baronet by the medical gentlemen to whom he had referred, there could be no doubt that it applied to the water in the Serpentine as well as to that in St. James's Park, and, for his own part, he was alarmed lest, when Parliament was prorogued, a pressing deputation might persuade the right hon. Baronet to take up the question of the Serpentine, and, without any control of Parliament, to make urgent representations to the Treasury to induce them to enter upon expensive works. He trusted that the present discussion would not terminate without some assurance on the part of the Government that any such request would not be complied with until Parliament should have some opportunity of expressing an opinion upon the subject.

Sir BENJAMIN HALL begged to assure the House that he had not intended to convey the impression that he would make any application to the Treasury for grants for Public Works without the sanction of Parliament.

Sir HENRY WILLOUGHBY complained that the right hon. Gentleman the First Commissioner of Works had not intimated it to be his intention to comply with the request of the right hon. Baronet the Member for Portsmouth to abstain from proceeding with the Vote until the House had the entire of the papers connected with the subject before it. The question under their notice was one of considerable importance. It involved the question of whether that House was to exercise any control over the expenditure of the public money. For his own part, he had always thought that it exercised very little. Indeed, he might say that he regarded the control of the House of Commons over the public expenditure as something very much in the nature of moonshine. The Secretary for the Treasury might, in fact, do as he pleased with the Civil Service Estimates. The public had no security that these estimates were subjected to audit, and there was at that moment no means of knowing whether money which had been granted by the House of Commons last year had or not been spent. If a gentleman connected with the Treasury could now spend £14,000 at his pleasure, what security was there that next year he might not lay out £40,000 of his own mere motion? As to the expenditure of £3,721 for the sewer, he would wish to ask the right hon. Gentleman (Sir B. Hall) whether the House had not voted £8,000 for that same sewer last year, and if so, why there had not been a proper estimate of the expenditure laid before the House? If the amount had been expended under a Treasury letter, would the right hon. Gentleman explain to him what the meaning of a Treasury letter was? He now came to the expenditure of £11,000 for sending the ducks and drakes out of the lake, and cleaning the bottom of it. Did the right hon. Gentleman mean to say that although Parliament had been sitting in July, and though the House of Commons had rejected by a very large majority the proposed Vote of £24,000 for making a connection from side to side of the Park, thereby intimating their determination not to sanction any vast expenditure on the Park, the Treasury, so soon after as the 27th of August, 1856—a few days after Parliament was prorogued—issued a letter authorising the expenditure now the subject of discussion? Was it by a Treasury letter of the 27th of August, 1856, or by one of the 14th of April, 1857, that this was accomplished? Or, it might be, that the right hon. Baronet the First Commissioner of Works had spent the money without any authority whatsoever. If so, he would ask hon. Members whether they were prepared to sanction such expenditure. If they were, then were the discussions in that House on matters of finance useless; but he trusted they would not lend to it their sanction, and that a Resolution would be carried declaring the laying out in that manner of the public money to be a violation of the privileges of the House of Commons.

MR. AYRTON said, the right hon. Baronet the Member for Portsmouth (Sir F. Baring) had, in introducing to their notice the subject under discussion, very courteously addressed himself to hon. Members sitting in that part of the House (the benches below the gangway on the Ministerial side) from which he (Mr. Ayrton) had the honour to speak. The right hon. Baronet had done so, probably, under the impression that those hon. Members took considerable interest in the question of the public expenditure, and because they embraced within their number all the metropolitan representatives, with, perhaps, the exception of the right hon. Baronet the First Commissioner of Works. He felt bound to tender his thanks to the right hon. Baronet the Member for Portsmouth for the manner in which he had introduced the subject, but he must say that when the right hon. Baronet the First Commissioner of Works rose to give his explanation he had spoken in so low a tone that neither he (Mr. Ayrton) nor his hon. Friends near him had heard a single word of his speech. It was not improbable that the right hon. Baronet was of opinion that they ought to know nothing about it, because he had addressed himself altogether to the opposite side of the House, and judging from what had taken place, his explanation did not seem to be much appreciated in that quarter. The inhabitants of Marylebone would, no doubt, know the next day what the right hon. Baronet had really said; but he could not sit down without the expression of a hope that when the right hon. Baronet happened to rise in that House on a future occasion to offer an explanation upon a matter so important as that under discussion, he would at all events speak in a tone which would make his statement intelligible to the House. For his own part, he could only say that he would not accept for the metropolis the expenditure within it of the public money if to do so would be to act in violation of a great principle, as some hon. Gentlemen had suggested.

MR. MOWBRAY said, he thought that the House was greatly indebted to the right hon. Baronet the Member for Portsmouth, who had brought forward this matter, as the case of St. James's Park was not the only instance in which the public money had been expended without the previous sanction of Parliament. Several thousands of pounds had last year been expended upon fireworks at the peace rejoicings, for the laying out of which the House of Commons had been unable to ascertain what department of Government was responsible. All Estimates in connexion with the matter had been refused, and they had been told that it would be defrayed out of the sum set apart to make provision for civil contingencies. Be that as it might, however, the House of Commons was to this day not in a position to ascertain whether a sum of £8,000 or £15,000 had been expended. He had only to add, that he could not subscribe to the doctrine which had been propounded by the hon. Member for Maidstone, to the effect that any sum of money which might be laid out in the decoration of the metropolis was necessarily well employed. Every one, of course, must be desirous of seeing the metropolis beautified, but he must confess he did not think that such works as those which were being carried on in St. James's Park were, in point of utility, to be compared with such great national works as had been alluded to by the hon. Member for Norfolk —namely, harbours of refuge, by which life and valuable property might be saved.

THE CHANCELLOR OF THE EXCHEQUER said, it would be in the recollection of those hon. Gentlemen who were Members of the House at the time, that when the subject of the fireworks had been under their consideration last year, a question had been put to him with respect to the fund from which the sum proposed to be expended was to be defrayed. His answer to that question had been, that it was proposed to defray them out of the sum set apart for civil contingencies, which was not prepared by Estimate, but which was simply a sum placed at the disposal of the Government to meet the occasional requirements of the public service. In answer to the observations of the hon. Member for Evesham (Sir H. Willoughby), he might state that the Vote for the works in connexion with the lake in St. James's Park would not be brought on that evening. The total amount of the first Vote would be diminished by that amount.

MR. HENLEY said, that the explanation which had been given to the House by the right hon. Baronet the First Commissioner of Works was not a satisfactory answer to the charge that the Government had, without sufficient cause, and without the sanction of Parliament, expended a large amount of the public money. The right hon. Gentleman the Chancellor of the Exchequer intimated that the expenditure for the fireworks last year had been defrayed out of the sum set apart for civil contingencies; but that statement, he apprehended, applied to the fireworks in St. James's and Hyde Parks alone, and not to those which had taken place at Woolwich, the cost of which would have to be defrayed out of the Votes for the Ordnance and military departments. The explanation given by the right hon. Gentleman certainly did not afford much guarantee that in future a very strict hand would be held over the amount of public expenditure. The right hon. Gentleman the Commissioner of Public Works had told them that, in consequence of the Vote of the House respecting the suspension bridge in St. James's Park, towards the close of the Session of last year, he found it necessary, in the month of August—one month after the prorogation of Parliament—to apply to the Treasury for authority to do certain other things in the park. Certainly that was rather quick after the close of the Session. But that was not all. The House had rejected the plan of the right hon. Baronet, the First Commissioner of Works, to erect a bridge upon iron standards, because, in consequence of the way in which those standards were sunk in the water, the effect of the construction of a bridge upon them would be to spoil the appearance of the lake, by cutting it up, as it were, into two small fish-ponds. So far, however, as he could form an opinion, the works now in progress were, by an ingenious contrivance, calculated to have precisely the same effect, for the present bridge hung down in such a way that it in reality seemed very little higher than if it were placed upon posts, as had originally been intended. If he were correct in that opinion, the result would be that the right hon. Baronet would have the satisfaction of carrying out—so far as appearance, at all events, was concerned—his first design, although in a different mode from that which he had proposed. The fact was, the right hon. Baronet had become so strongly inoculated, while at the Board of Health, with sanitary views, that one's pockets were in considerable danger under his administration. He was, therefore, very glad that the right hon. Baronet had not remained a longer time at the head of that department; for if so, he would, in all probability, be found more dangerous still than he was at present, and he cordially hoped that the successors of the right hon. Baronet in the office which he now held would not get the same training which he had received. He quite concurred with his hon. Friend the Member for Norfolk (Mr. Bentinck), as to the injustice of taxing the country at large for an expenditure incurred in the metropolis. If London required beautifying, then let Londoners do the work. But, while he entertained that opinion, he must admit that he did not regard the works in question as coming within that principle, inasmuch as the parks were the estate of the Crown, and therefore stood upon a different footing from other descriptions of property.

Motion *agreed to.*

SUPPLY—CIVIL SERVICE ESTIMATES.

House in Committee of Supply, Mr. FITZROY in the Chair.

MR. WILSON said, that before placing in the hands of the Chairman the first Vote which he intended to propose, he designed, in pursuance of the notice he had given last evening, to make a general statement with regard to the great increase that had taken place in the expenditure upon certain Votes in the Civil Service Estimates. The hon. Baronet (Sir H. Willoughby) had, indeed, questioned whether he would be quite in order in making that statement after going into Committee of Supply. As far as he was concerned, it was a matter of indifference whether he made that statement before going into Committee of Supply or in Committee of Supply; but the question having been referred to the right hon. Gentleman in the Chair, to whom it must be the wish of the House to defer, and the right hon. Gentleman having, as he thought, on good grounds decided that this statement would be best made in Committee of Supply, he hoped that he should be held to pursue the best and most consistent course in adopting that plan. He was aware that it was a novel practice to make a general statement on going into Committee of Supply on the Civil Service Estimates, but circumstances had somewhat changed of late in regard to these Estimates. Some years ago, the Civil Service Estimates amounted to a very small sum. It was customary in those days to place every description of civil expenditure upon the Consolidated Fund, but a more wholesome and Parliamentary course had since been adopted, of placing this expenditure upon the Votes of Parliament. These Votes had now increased to so large an amount that it was fair that Parliament should occasionally—he did not say every year—be informed of the grounds upon which this large expenditure had taken place. In making this statement, he did not wish to set a precedent for the future, but he should rather ask the Committee to allow him to take that course as a matter of indulgence, as it was only just, seeing the extensive manner in which these Estimates had been criticized, both in the House and the Country, that he should have an opportunity of explaining, on the part of the Government, the chief grounds on which the large increase had taken place, in order that the House of Commons should exercise its discretion, and determine whether it would proceed in the course it had pursued of annually increasing certain important Votes, which had led to the augmentation in these Estimates. Hon. Members would see in Parliamentary paper No. 136 of the present Session the amount under every head of the Civil expenditure as it had been voted since 1830. Hon. Members, on casting their eyes over this statement, would find that since 1838 the amount of the Civil Service Estimates had been increased from £2,393,182 in that year to no less a sum than £6,724,250 last year. It must be admitted that this increase of expenditure was not unnaturally a subject of anxiety and alarm, both in and out of the House; but the Committee should bear in mind it had been caused in a great measure by an alteration in the practice which formerly prevailed of placing very large sums on the Consolidated Fund. For example, when it was determined by the House to pay the large amount required for the Irish Constabulary, that charge, amounting to £630,000 per annum, was placed on the Consolidated Fund, and was not found in the Civil Estimates voted by Parliament. In those days, and up to a comparatively recent period, too, all the charges for the Board of Works, the land revenue, the public parks and pleasure-grounds were paid out of the revenue of those departments before it reached the Exchequer. That practice was now altered. The House had not only properly prevented any expenditure from being withdrawn, after collection of revenue, on its way to the Exchequer, but it had entirely abandoned the plan of placing charges upon the Consolidated Fund, which, never coming before Parliament, by that means escaped the attention of the House of Commons. Every fresh item of expenditure sanctioned by Acts of Parliament was now placed in the annual Votes of Parliament; and, therefore, the House was enabled to consider, not only the question to which the expenditure referred, but also the amount and character of that expenditure. He did not propose to trace back these Estimates so far as 1838, but in the discussions which took place in the last Session, and in the speeches since made out of Parliament, it had almost become as familiar as a household word, that the Civil Service Estimates had increased during the short period between 1852 and 1856 by not less than £2,300,000. He was free to admit that this increase was not only a fitting subject for discussion by that House, but also by all who took an interest in the economy of the public service; and this being the point to which public attention had more particularly been drawn, he proposed, avoiding a discussion of individual Estimates in Committee, to call attention to the manner in which this large increase of expenditure had taken place, that the committee might see the exact amount of this increase, and the distribution of that amount, and determine whether it would proceed in the same course that it had of late years pursued. As to that increase of expenditure, the Government were not responsible. Every shilling of that amount had been voted by the House of Commons, and every item which went to make up the gross increase had been discussed in, and resulted from the deliberations and decisions of Parliament. It was, therefore, proper that the Committee should now have the opportunity of seeing the result of the various acts that it had done during the last four or five years, and of coming to a determination whether it would proceed in the same course for the future. He would now read to the Committee the amount of the Civil Service Estimates from 1852 to 1856. 1852, £4,407,754; 1853, £4,802,318; 1854, £6,648,522; 1855, £6,586,062; 1856, £6,724,250. The Committee would observe that the Estimates of 1854 showed an advance of rather more than £2,000,000 upon those of 1852—(a point which he begged hon. Members to bear in mind since, on the increase of that year, he should found many of the observations he should have to make); that the Estimates of 1855 were somewhat less than those of 1854, and that those of 1856 were somewhat greater. However, the Estimates for the last three years—1854, 1855, 1856—were nearly the same, the great increase having taken place in 1854. He would now give the increase of the Estimates of the following years, as compared with those of 1852. That increase was as follows:—1853, £394,564; 1854, £2,240,768; 1855, £2,178,308; 1856, £2,316,496. What he proposed was, not to trace the causes of the increase in each year, but to take the year 1856—the year of the largest amount, which would in a general way represent the causes of the increase in the years 1854 and 1855. In the first place, he must remind the Committee of the existence of a strong feeling manifested by the House on many occasions, and most of all expressed by his hon. Friend the Member for Lambeth (Mr. Williams) as to the inconvenience and loss that arose from the fact that a large portion of the expenditure was by Acts of Parliament imbedded in charges on the Consolidated Fund, and that another large portion was annually paid out of the gross revenue on its way to the Exchequer, since in these cases the House of Commons had no opportunity of saying a word on a single shilling of that expenditure, nor any opportunity of controlling it. His right hon. Friend (Mr. Gladstone) took steps to remedy this defect, and among the many signal services performed by that right hon. Gentleman none were of greater importance than this. Early in the Session of 1854 the Treasury prepared, at the request of the Government, a Bill for the purpose of transferring from the Consolidated Fund all charges of a nature that could be voted by Parliament, and withdrawing from the Customs, the Exchequer, and the other revenue Departments, all payments either for salaries or other purposes. In pursuance of that Bill the House of Commons in 1854 removed from the Consolidated Fund thirty-four items of public expenditure. Therefore, in 1854, they voted for the first time for these items no less a sum than £977,600. By the same Act they transferred from the Customs twelve Votes, amounting to £205,800. They also transferred from the Navy and the Commissariat Votes to the extent of £29,600. For postages transferred from army, navy, and gross revenue, they annually voted £85,000. In addition to that, it had been the custom to pay a great number of persons by fees, but the House having condemned that practice, salaries had been paid instead, and the fees handed over to the Exchequer. In some cases these fees had been converted into stamp duties. Therefore a considerable number of new Votes were represented by fees paid annually into the Exchequer, or by stamp duties in lieu of fees, the total amount of them being £138,000. Adding these various sums together, it would be found that no less than £1,436,000 of the increase of £2,316,000 had been transferred from the other funds by which they had previously been defrayed, and were now borne on the annual Votes of Parliament. This reduced the large amount of £2,316,000 which looked so alarming when stated by itself, to only £880,000, and he wished to state how this sum of £880,000 had arisen. There was an increase for education in Great Britain of £291,000—in Ireland, £63,000; the department of science and art, £25,000; and the National Gallery, £15,000 — making together £394,000. Now the Vote for education was one to which he desired to call the special attention of the Committee, for a very large increase would again be found in it this year; and if the present system was to continue they must expect the augmentation of this item to proceed still further. In 1852 the entire educational Votes, including England and Ireland, science, art, and the National Gallery, amounted to £440,000. In 1838 the corresponding sum was only £130,000; in 1856 it had risen as high as £759,000. The sum proposed for the present year was £850,000; He remembered a few years ago, when this Vote was about £263,000, some hon. Member complained, and the noble Lord the Member for the City of London expressed an ardent hope that it would very soon amount to half a million. In the present year, the Vote for England alone was £541,000. That was a thing for Parliament to meet; it was not a matter which the Government could exercise any control over, further than bringing it before the House. Hon. Members — those, at all events, who were in favour of an extended education — would feel that it must be some consolation to know that the cause they had at heart was not being neglected either by the Legislature or the Government. The next item was for Holyhead Harbour and other Harbours of Refuge. Upon this the increase in the plan of last year, as compared with that of 1852, was £170,000. When the first Vote for Holyhead Harbour was taken, a very large scheme was proposed to Parliament, founded on the recommendation of the Admiralty; but owing to the jealousy of Liverpool and the neighbouring ports, together with a scepticism on the part of that House as to the utility of the project, the undertaking was reduced from a plan that would cost £1,200,000—the original sum suggested—to one that would cost only £808,000. The smaller project was the one actually adopted; but to such a remarkable degree had the expectations of those who advocated the more extensive scheme been realized, that even during the progress of the works the Harbour was so much resorted to in its incomplete state, and so inadequate to receive the vessels having recourse to it, that the Government had been compelled to come down to the House and propose increase after increase in the Vote until they had reached the highest amount contemplated in the original plan, and the present estimate was £1,198,000. The following table, taken from the report of Captain Skinner, the Superintendent of Holyhead Harbour, showed the number of vessels which had entered it from 1852:—

	No.	Tonnage.
1852	514	34,650
1853	1,293	106,392
1854	1,788	137,058
1855	1,607	119,413
1856	2,394	198,666

The importance of this harbour was very great, because not only did the Irish postal packets go to and from it, but it was for the convenience of the metropolis that the American steamers should land their letters, &c., when they arrived off Holyhead. One cause of the large increase upon this and similar works was, that it was found advisable to complete them as expeditiously as possible. It was due therefore to the exertions of the late Mr. Rendell, who had had the supervision of this harbour, and whose great professional abilities everybody would admit, that they had been able to expend a large sum in the execution of this undertaking in a single year. If important public works of this kind were to be carried out at all, the quicker they were advanced the better for the interests of the community. [*An ironical cry of* "Hear, hear!"] While the works continued unfinished a vast capital was lying idle from which the public derived no advantage, whereas—as he begged to remind hon. Members who cheered—the soon they were brought to completion the sooner would the country reap the benefit of its expenditure. Although Holyhead and some other harbours would not continue to be an annual charge to this extent, yet, from the interest generally taken in the state of the harbours of refuge along our coast, and from the absolute necessity of these improvements, if he might judge from the number of applications to Government, not only for the sake of the navy but for the safety of life and property connected with our mercantile marine, it would be for the House to determine whether it would persevere in outlays of this description in time of peace. The next head of charge was printing and stationery, the amount of which would no doubt produce some surprise. The increase since 1852 was no less than £241,000. He should not be doing justice to M'Culloch, who was at the head of this department, if he did not state his belief that no public servant had exerted himself more than that gentleman had done to economize and keep down this expenditure; although certainly his control over it was but limited, the head of the stationery branch being as it were but a sort of warehouseman for the other departments. The charge for stationery had augmented as follows:—

In 1848 it was	£302,362
In 1852	216,509
In 1856	458,275

This augmentation was subject to a diminution which the Committee would view with satisfaction. The difference between the items for 1852 and 1856 about (£242,000) was composed thus:—The printing of patents had been transferred to the Stationery Department; and though that item now cost the country £40,000 a year, which was included in this Vote, yet the amount of fees paid into the Exchequer was upwards of £100,000. Instead, therefore, of this forming a charge, it was on the whole a source of profit to the Exchequer. There was a sum of £30,000 in respect of a transfer to the stationery office for the purchase of stamps on parchments, which were repaid by the public in the purchase of those stamps. There was therefore an amount of £70,000, which consisted of a mere transfer from the Patent Office and the Inland Revenue Office, thus reducing the amount of increase to £171,000. Besides, the war had caused a very large increase in the demand for stationery. Hon. Members were probably aware that it had been the policy of the Government for many years past to bring into the Stationery Office the whole of the business connected with the purchase of paper, books, and the printing of documents for all the public departments; and even to such an extent had that been carried that the cartridge paper for the regiments had been purchased at the Stationery Office, by the Ordnance Department. It was obvious that the gentleman who was at the head of the Stationery Office, and who had frequently to make contracts with paper manufacturers for every description of paper, was more likely than the Superintendent of the Ordnance Department to enter into an advantageous contract for the supply of paper for the service of the army. In the War Department there had been an increase of £65,000, and in that of the Admiralty an increase of £16,000, making together £81,000, a large portion of which might be considered as temporary and attributed to the late war, and thus the £171,000 was further reduced to £90,000. As might naturally be expected from the increase of public business, the printing of that House had increased during the last few years. During the period, between 1852 and 1856, the Parliamentary printing had increased by £13,000—a considerable sum of money; but he hoped the measures which were being taken by the Printing Committee, and which the Treasury and Stationery Office would only be too happy to carry out, would have the effect of checking that piece of expenditure by leading to a wise consideration of the Returns which were made and of those which were omitted. The Committee was aware that it rarely happened that Motions for the printing of Returns were opposed by the Government; and why? Simply because the hon. Members who made these Motions almost invariably said that they intended to found Resolutions upon the papers for which they asked. But when the papers were printed, and they were frequently very bulky, not more than five or six persons cared to read or look at them. The increase in Parliamentary stationery was £3,000; increase of stationery in the Foreign Office, £3,000; Board of Trade, £4,000; Board of Customs, £8,000; Inland Revenue (owing principally to the increased number of printed forms required for the income and other taxes), £17,000; Post Office, £16,000; prisons and convict establishments, £4,000; making altogether £70,000; which was reduced, however, by £20,000 scattered in small sums over the whole of the public services. He might here refer to the Report of Mr. M'Culloch in page forty-three of the Estimates. In that memorandum Mr. M'Culloch said—

> "But, independent of the war with Russia, which may be looked upon as accidental, there is,

speaking generally, a strong tendency to increase the demands for printing and stationery. This arises partly from the increasing population and connections of the empire, and the growing desire for publicity, and partly from the establishments of schools and libraries, either wholly or partly supported by the public. The latter include the various establishments connected with the Committee of Council on Education, the military and naval schools and libraries in barracks, garrisons, and ships; the schools and libraries in gaols, penitentiaries, hulks, &c. The outlay on these different heads is already large, and is rapidly increasing; and as it would appear to be a branch which is peculiarly liable to abuse, it should be sharply looked after. If I might presume to give an opinion on such a point, I should say that the books and stationery supplied to the schools and establishments now referred to are of a much too costly description, and that articles of an inferior quality and price would answer every useful purpose quite as well."

No doubt it was most desirable that the establishments here referred to should be supplied with suitable libraries; but Mr. M'Culloch had frequently had to protest against unreasonable demands for books quite out of the range of convicts, soldiers, or sailors. A public servant more anxious to maintain a careful watch over his department than Mr. M'Culloch did not exist. The amount of increase under the head of which he (Mr. Wilson) had been speaking, though large, had been shown to consist in great measure of sums merely transposed from one department to another, or it had been caused by circumstances like the Russian war, which must be considered as accidental; or lastly, it was owing, in some small degree, to charges with which the Committee would not wish to interfere, so long as they were kept within proper bounds. The next head of increase was that of prisons and convict establishments, and the amount of the increase was £114,907. That was a subject which recent discussions in that House rendered peculiarly interesting. The particulars of that increase would indicate to hon. Members the steps which had been taken by the Government since 1852. The following was a tabular comparison under this head between the charges in 1852 and 1856—

	1852.	1856.
Inspection and general superintendence	£16,196	£16,783
Government Prisons and Convict establishments at home	261,522	415,906
Maintenance of prisoners ...	159,123	161,595
Expenses of transportation	101,041	25,485
Convict establishments in colonies	253,586	286,605
	£791,468	£906,374

The Committee would no doubt be surprised at the vast expenses for convict establishments in the colonies, after the abandonment of the transportation system some three or four years ago; but it ought to be borne in mind that, although they had ceased to send convicts to the colonies, there was yet a very large number of convicts there whose sentences must expire before they could be set at liberty. For some considerable time, therefore, an establishment as vast almost as that which was in existence when the transportation system was abolished would have to be maintained. But that was not all; for, about two years ago, in consequence of the increased cost of living in Australia, the salaries of the officers who superintended the convicts had to be considerably increased, and the maintenance of the convicts had also become more expensive. This country, therefore, had at the present moment to bear the expense of two systems for the punishment of convicts, and it would be some time before one of them — namely, the transportation system — ceased to be a charge upon the country. The number of prisoners in England and Ireland during the year 1852 was 12,172; in 1856 it was 12,769, being an increase of only 597; so that, notwithstanding the cessation of transportation for the last few years, the increase of prisoners in the home prisons was only 597, which was rather surprising when one thought of the great outcry which was made a few months ago about the alarming increase of crime in England. Hon. Members were aware of the improvement which had taken place within the last few years in the management of the home prisons. That improvement especially marked the prisons in Ireland, and it was due in great measure to the visit of the right hon. Baronet the Member for Carlisle to the convict establishment at Spike Island, when he was First Lord of the Admiralty. The right hon. Baronet (Sir J. Graham), when he paid that visit expressed his surprise at seeing so many prisoners there. [Sir J. GRAHAM: Hear, hear!] An accidental circumstance had brought the subject under the notice of the Treasury, and a Commission of inquiry was appointed, the result of which was the establishment of a permanent Commission, consisting of a Chairman and two members, for the management of convict establishments in Ireland. Since then two large new prisons had been erected at Cork and Philipstown, at the cost of £22,000. In England three such buildings had been erected, at Brixton, at Chatham, and at Fulham, the total annual expenditure on which was £180,917, so that it appeared that more than the whole increase was attributable to prisons erected since the year in question, and not to any increased expenditure connected with prisons existing at that time. The next increase to which he would refer was that in respect to public buildings, amounting to £81,000. These buildings were divided into six heads. Upon palaces in the occupation of Her Majesty the increase was only about £3,000; upon those partly occupied by Her Majesty the increase was also very trifling; and upon palaces not so occupied at all the difference was also insignificant. The great increase arose under the head of buildings for the public Departments placed under the charge of the Board of Works. In England the charge for public buildings had increased by £68,517; in Scotland, by £12,500. In the first instance, this increase included the rent of offices hired on the part of the public, which in 1852 was £8,832; and in 1856, £42,638; the cost of furniture in 1852 being £23,600, and in 1856, £34,979. This increase had arisen in a great measure from the consolidation of the War Departments, and from the great number of public offices now hired for temporary purposes, for commissions, for the Merchant Seamen's Fund, and a great variety of new offices which had been created within the last three or four years. The total cost to the Exchequer on this account was now £81,000. These sums altogether amounted to somewhat more than the balance he had to account for, but he had only taken the principal items, preferring not to weary the Committee with the small changes involving a decrease of expenditure which had taken place. They arrived, therefore, at this comparison between 1852 and 1856. The increase of which they had heard so much was £2,316,496, and it was accounted for as follows:—

Transferred from Consolidated Fund and gross revenue	£1,436,000
Education	394,000
Holyhead harbour	180,000
Printing and stationery	241,000
Prisons and convicts	114,000
Public buildings	81,000
	£2,446,000

Unfortunately this was not all. There was a very large increase in the Estimates of the present year, and he should now endeavour to show how that increase arose, namely in—

Class 1. Public works and buildings ...	£ 24,882
Class 3. Law and justice	380,046
Class 4. Education, science, and art ...	123,385
Class 5. Colonial, consular, and other foreign services	61,950
Class 6. Occasional charges	13,490
Total increase	603,753
Deduct decrease in Class 2, Salaries and expenses of public departments ...	5,087
Net increase ...	£598,666

Showing a net increase of nearly £600,000 in the Estimates of the present year as compared with 1856. To these items he would now call attention. In the first place he found that the head of Education figured for a large proportion of the increase. The Vote for Education this year in excess of that for 1856 amounted for England to £90,020; for science and art the increase was £9,310; the National Gallery, £5,526; the British Museum, £34,000. In respect to the National Gallery, he might say in passing that the increase which had taken place was almost entirely occasioned by the splendid bequest of the late Mr. Turner, and he thought that no Member of this House would begrudge the £5,000 spent in providing for the magnificent collection of pictures so given to the nation. Here, therefore, was an increase of £138,856 attributable to the items of education, science, and art. Then with respect to class 3, hon. Members would bear in mind that last year a Bill was passed by which a portion, not exceeding one-fourth, of the police rates of counties and boroughs was paid out of the Consolidated Fund. An attempt was made to induce his right hon. Friend (Sir G. Grey) to consent to a larger expenditure on this head, and it was not the fault of the House of Commons that such an expenditure did not take place. As it was, the charge for police under the Act of last year amounted to £145,980. Then, another Bill was passed respecting County Courts, upon which there was a strong combination, which the Government found themselves wholly unable to resist. They proposed what they believed to be a fair and liberal remuneration to the registrars, but the House doubled the amount they proposed by a majority of nearly two to one. He thought, therefore, that the Government were at all events not responsible for this very large increase of expenditure, an increase which this year amounted to no less than £195,212, though it would be something less in future years, for the Vote then taken was for a year and a half. Then, again, hon. Members consented to a heavy charge upon the Consolidated Fund in respect to the salaries of the Judges, in which perhaps they exercised a wise discretion instead of making those salaries a matter of annual discussion in Parliament. Again, however, the Government had a very narrow escape, a demand which had nearly been successful being made that the salaries of the County Court Judges should be increased by £20,000 a year. Under the Bill to which he alluded the total cost to the country would be, at the very least, £231,000 a year, thus made up. There would be an annual charge upon the Votes of £144,320; the salaries charged upon the Consolidated Fund would be £76,900; the compensation given to Judges of local Courts replaced by the County Courts, £10,000; making altogether, £231,220. Another point upon which the Government were foiled by the House had reference to the fees charged in these courts. It was argued that justice should be made as cheap as possible to the poor man. But he thought, judging from what had happened, it would be found that, instead of making justice cheap to the poor man, Parliament had encouraged an amount of litigation which would compel it in a very short time to reconsider its decision. In most cases he believed, particularly in the manufacturing and mining districts possessing a large population, the business of these courts had increased by fifty per cent. Now, if that increase represented legitimate attempts on the part of small traders to recover their debts, it could not be objected to. But he was told that small traders and hawkers, who in populous places went from door to door tempting poor people to buy upon credit, were systematically making use of these courts as a regular machine for the collection of their debts. They first induced people to take credit, forcing their goods upon them, and as soon as their customers got into debt to the extent of 20*s.* or 25*s.*, they put them into the County Court, obtained judgment for a fee of 9*d.* or 1*s.*, and then got the debts collected through an officer of the court at the rate of, perhaps, 1*s.* per week. In many instances it was found that these hawkers trusted the same persons again, and the same process took place, until the bailiffs of the court in these districts were fast becoming mere collectors of these small traders. He had dwelt upon these subjects at some length because out of the total increase of £598,666 in 1857 as compared with 1856, no less a sum than £341,192 was entailed by the two measures of which he had been speaking, passed in the last Session of Parliament. He wished to show the House of Commons that it really lay with them, rather than with the Government, to support measures of economy, and that in some instances the Government had been striving to enforce economy while the House had preferred something akin to extravagance. Then, as another example, in the present year there was an increase of £24,543 in prison and convict establishments; and in public buildings, also, there was an increase of £24,882. Here, again, was an increase attributable to the House of Commons, and not to the Government. Some years ago a Committee sat upon the Dublin Hospitals. Every one felt that to vote £16,000 or £20,000 a year to the Dublin hospitals, and nothing to the hospitals of Edinburgh, London, or other large towns, was an abuse, and the House determined that the Vote should be reduced by £1,000 a year until it expired altogether. The Vote was in process of extinction, and had been brought down in 1853 to £13,000, when the hon. Member for Dublin gave notice of a Motion for recurring to the original Vote. He (Mr. Wilson) being then, as now, at the Treasury, opposed the Motion, but he was beaten in a tolerably full House, and the hon. Member obtained the appointment of a Committee. The Committee was fairly composed, for on it there was a majority of English and Scotch Members, and they recommended that the original Vote of £16,000 a year should be retained, and that it should be made permanent; so that there again the Government was foiled by the House of Commons, and they had nothing to do but to carry out the views of Parliament. The consequence was that £19,000 figured this year in the Estimates for the Dublin hospitals. Then there was a further additional charge of £12,000 for the constabulary, and some charges connected with alterations in the Court of Chancery; and thus upwards of £560,000 out of the 598,666 of increase was accounted for.

The remainder was composed of small sums, but the increases which he had now explained were—

On education, science, and art, &c. ...	£138,856
Police for counties and boroughs ...	145,980
County Courts	195,212
Prison and convict establishments ...	24,543
Public buildings	24,882
Dublin hospitals	19,000
Court of Chancery and constabulary	12,000
Total	£560,473

The total increase from 1852, including the Estimates for the present year, amounted to no less than £2,978,000, or nearly £3,000,000 in five years upon the Civil Service Estimates :—

The amount transferred was... ...	£1,436,000
Education, &c.	532,726
Holyhead Harbour	180,000
Printing and stationery	241,000
Prisons and convicts, law and justice	486,074
Public buildings	105,882
Total	£2,981,682

Of that amount £1,436,000 represented charges transferred from other branches, while £1,545,682 represented altogether new charges or increases upon old charges. He had now stated as clearly and distinctly as he could the grounds upon which these respective increases rested, and he thought that the Committee would agree with him that the causes lay in a very small compass. The questions in which the Government were particularly concerned were few in number ; they were matters peculiarly fitting for the consideration and decision of Parliament ; they were all questions of high policy and not of small Governmental details ; they are all questions mixed up with the interests, social and commercial, of the country, and therefore they were especially subjects which Parliament ought to deal with. The Committee would shortly be called upon to deal with these questions on the Votes for items similar to those which he had been explaining. They would then have an opportunity of discussing the principles upon which the expenditure of the year was based, and of deciding, amongst others, whether this large increase of expenditure for education was to be allowed. His own impression was that they would decide, not only that the Vote now proposed should be sanctioned, but that it should go on increasing. They would have the opportunity of considering whether they would go on expending the moderate sum of £200,000 a year—for, after all, it was a moderate sum for a great country like this to expend — in the improvement of harbours of refuge. He should propose next week the appointment of a Committee to consider this subject as a whole, and to devise some scheme for systematically improving our coasts, with a view both to safety and commercial purposes, and to the improvement of the fisheries on the coasts of Scotland and Ireland. If the House should agree to a policy of that description, it would very probably be incumbent on Parliament to vote a considerable sum of money annually for that purpose, in order that they might proceed on some intelligible and systematic plan, instead of working piecemeal and without system, while Irish Members were crying out for Votes for Irish harbours, Scotch Members for Scotch harbours, and English Members all round the coast for harbours for the different places which they represented. They would have an opportunity also of considering whether they would proceed with the improved mode of managing convicts, which had led to so great an increase of expenditure ; and, judging from the debates which had lately taken place, he had no doubt that they would persevere in that source of expenditure. With regard to public buildings, they all knew that there were three or four which were most urgently required at this very moment. We wanted a new Foreign-office, a new Colonial-office, and a War-office, and he thought that they would be unanimously of opinion that those works had been too long delayed. It would be seen, therefore, that all these increases of expenditure related to matters which were peculiarly for the consideration of the House of Commons, and he did not see how they could well escape the dilemma of spending even more money in that direction than they had hitherto done. The branches of expenditure to which he had referred were only those of a large and an important kind, which accounted, in a great measure, for the increase which had taken place. He had not referred to the Governmental departments of the country, in which, if an improvident spirit existed, a very considerable increase of expenditure might have been looked for—he meant the great Governmental departments in London, not the Customs or the Inland Revenue. The Committee must be aware that there had been a very large increase of business within the last few years in all the public departments. There never had been a period in the history of the country when there had been so rapid a development of its trade, its intercourse, and of everything which marked the material progress of a nation as had taken place in this country within the last few years. If he took the exports and imports as affording a broad and tolerably accurate indication of this fact, he found that the exports had increased from £78,076,854 in 1852, to £115,890,857 in 1856; that the imports had increased from £109,345,409 in 1852, to £172,654,823 in 1856, while shipping had increased in the same proportion. We had established steam communication with all parts of the world, and we had now a monthly steam communication with Australia, carrying the mails in about fifty days between Sydney and London. We had telegraphs established, or being established, connecting all parts of Europe, and arrangements were in progress for connecting the whole of our Mediterranean possessions with London by telegraph. The terms were being arranged by which we should be enabled to communicate almost with the rapidity of thought with Malta and Corfu. The telegraph was being laid also between the west coast of Ireland and Newfoundland, the service being already complete between Newfoundland and North America, and being disseminated over the whole of the United States and Canada. All these matters had led to an enormous increase of labour in the different Government offices. He found that in the Board of Trade there were—

In 1852 papers received ...	19,600
In 1856 (to Nov. 20)	50,470
In 1852, papers despatched ...	14,835
In 1856 (to Nov. 20)	34,692

showing an increase of work of 150 per cent. In the Foreign Office there were—

In 1852, papers received and sent	32,043
In 1856	57,914
showing an increase of ...	25,871

And beyond that large additional amount of correspondence which the Foreign Office had to conduct, the introduction of the telegraphic system had added almost as much to the labours of that department, in communicating by that means, as their correspondence in the shape of despatches had been augmented. In the Treasury the increase had also been very large. Notwithstanding this large increase of business, and notwithstanding there had been a revision of these establishments, which had led to an increase in the salaries and incomes of the leading officers, who had intellectual work to perform, there had been little or no increase in the general amount expended for salaries. Taking the Treasury, the Home-office, the Foreign-office, the Colonial-office, the Privy Council-office, and Educational Department, the Board of Trade, the Office for the Registry of Seamen, the Office of Paymaster General, the Office of the Comptroller General, the Office of Public Works, the Departments of Works and Woods, the State Paper-office, the Poor Law Boards for the United Kingdom, the Mint-office, the Office of Inspectors of Factories and Mines, the Office of the Chief Secretary for Ireland, the Office of Public Works for Ireland, and the Office of the Paymaster of Civil Services (Ireland), and one or two others, the whole of the salaries in 1852 amounted to £332,899, and in 1857 to £332,976, being an increase of only £77. But that was not all. The Board of Trade had to carry out the Mercantile Marine Bill, which had led to an increased expenditure for salaries in that department of £12,717, and there had also been increased expenditure on account of the Department of the Inspectors of Mines of £6,725, in pursuance of the Bill passed by that House. Those two charges amounted to about £20,000. If that sum were deducted from the present charge for salaries, there would be an absolute diminution of expense for those offices in 1857 of about £20,000 as compared with the amount in 1852. He thought that that explanation would show that, while this enormous increase of expenditure in the Civil Service Estimates had taken place, it did arise in sources over which that House peculiarly had a direct control, and in almost every instance the House had expressed a direct opinion of its own, and had frequently exercised a pressure upon the Government against the opinion of the Government; and that, with respect to that class of expenditure peculiarly in the hands of the Government, and in regard to which, if the Government had been prodigal of the public money, and inclined to increase its influence and power by a wasteful expenditure, an increase might be expected to be seen there, notwithstanding a large increase of business, there was, instead of an increase, an absolute diminution on account of salaries of about £20,000. He would only advert to one more point, and then conclude. It was not for him, more than any other hon. Member, to recommend anything to the

House of Commons, but there was one particular point which his experience at the Treasury would induce him to submit to the attention of the House. If hon. Members wished to study and promote economy, it was, above all things, necessary for them to look with a jealous eye at every proposition, from whatever quarter it might come, for removing local expenditure and placing it on the Consolidated Fund. Nothing had led to greater abuse, was more destructive of economy, or detrimental to the public service than that course. One of the arguments against a general poor-rate was, that the establishment of such a rate would remove the wholesome check now existing against an uneconomical administration of the rate. The same argument applied against placing local charges on the Consolidated Fund. Where there was a local rate, every one was careful to reduce it to the lowest amount consistent with the efficiency of the public service, but if the rate were placed on the Consolidated Fund, then every one would be trying to get the largest share of the bone. He would allude, in illustration, to one single case. In 1835 this House consented to take on itself the charge of half the cost of prosecutions throughout the country. Now, so long as the public Exchequer paid only one-half, there was no great harm done, because the counties, having to pay the other half, would, of course, be vigilant in watching the expenditure. But, unfortunately, in 1846, that House consented to place on the public Exchequer the remaining half. The object might have been good, but the consequences were very prejudicial, for the counties had no longer any motive for vigilance, and the sum annually increased, until at last the country was saddled with £250,000 for that charge. The Government had therefore been obliged, during the last three or four years, to send out Treasury officers for the purpose of controlling and checking this expenditure, in which object they had succeeded. In Scotland alone, out of £30,000, £5,000 or £6,000 had been struck off; and in the total quarter of a million the saving was in about the same proportion. Still, after all, the control thus exercised was very imperfect. Without saying that the county magistrates wished to swell these expenses, he must observe that they were not so vigilant as when the charge was paid out of the county rates. He had alluded to that case as an illustration of the evil and danger of removing these local charges to the Consolidated Fund, and he should now conclude by placing in the hands of the Chairman of the Committee the first Vote—

(1.) Motion made, and Question proposed, "That a sum, not exceeding £136,146, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintenance and repairs of Royal Palaces and Public Buildings."

SIR JOHN PAKINGTON said, he rose to express his opinion, not so much on the statement of the hon. Gentleman, as on the course which the hon. Gentleman had taken in making that statement after Mr. Speaker had left the Chair. It was a course, in his opinion, extremely inconvenient and inconclusive, and he hoped it would not be drawn into a precedent. The hon. Gentleman said that Mr. Speaker had stated that it was the best time to make it; but what he (Sir J. Pakington) had understood Mr. Speaker to say was, that it was competent for the hon. Member to make it, and not that it was the best time for so doing. He (Sir J. Pakington) thought, and he believed the Committee would agree with him, that it was a bad precedent, and that it was an inconvenient time, and he was moreover of opinion that it would have been far better, and certainly far more convenient, if the hon. Gentleman had made his statement on the question that Mr. Speaker leave the Chair; for, if Her Majesty's Government should take that course for a continuity, it would be open to every Member of the Committee to raise a general discussion upon each Estimate, and it would be difficult to resist the temptation of following all the items, so as to lead to a desultory debate upon a great variety of subjects. He hoped, therefore, that the course taken by the hon. Gentleman on this occasion would not be drawn into a precedent in future. He (Sir J. Pakington), however, also rose to notice the injustice that had been done by the hon. Member, unintentionally, he was sure, to his (Sir J. Pakington's) right hon. Friend the Member for Buckinghamshire, and, as his right hon. Friend was not then in his place, to, in so far as he was able, rectify that wrong. He (Sir J. Pakington) agreed with the hon. Gentleman in his general eulogium upon the financial talents of the right hon. Member for the University of

Oxford; and though there were some financial measures proposed by that right hon. Gentleman to which he (Sir J. Pakington) could not give his assent, still no one could doubt for a moment the distinguished manner in which the finances of the country were conducted by him while he filled the office of Chancellor of the Exchequer. But that was no reason why the credit due to others should be given to that right hon. Gentleman; or rather, it was a reason the more why it should be given only where it was justly owing. The hon. Gentleman had said that the right hon. Gentleman in question was the first Minister who had brought the annual charge of collecting the revenue under the control of Parliament. In so far as bringing the matter under the control of Parliament, the hon. Gentleman's statement was perfectly true; but it was due to his (Sir J. Pakington's) right hon. Friend the Member for Buckinghamshire to state that his right hon. Friend, in laying his plan of finance before the House, had clearly announced the views of the Government to which he belonged, with regard to the expediency of bringing the collection of the revenue under the control of Parliament; and that he then informed the House of his intention to bring the matter before the House at an early opportunity. And furthermore, in answer to a question put to him by the hon. Member for Lambeth (Mr. Williams), he had repeated his intention in still more distinct terms. In this case, therefore, as in the case of the reduction of the duty on tea, though the right hon. Member for the University of Oxford had carried them into effect, it was announced by his right hon. Friend that such was his intention if he remained in office; and the right hon. Member for the University of Oxford had frankly admitted such to be the case. With respect to the statement of the hon. Gentleman, he (Sir J. Pakington) could only say that after the great extent to which the attention of the House and the country had been directed to the great increase which had taken place of late years in the Civil Service Estimates, Her Majesty's Government had, in his opinion, taken a wise and discreet course of laying such a statement before the Committee, and he would add that he thought it could not have been made in a clearer manner than it had been by the hon. Gentleman. He also felt bound to express the opinion that the hon. Gentleman had upon the whole satisfactorily explained the great increase which had taken place. The hon. Gentleman had stated that since 1852 there had been an increase of nearly £3,000,000, and that that increase was divided into two parts, one consisting of transfers and the other of new items of expenditure. The hon. Gentleman had not explained what had been the nature of the increase which had taken place before 1852; but if he remembered rightly a very considerable amount of transfers of local charges to the Consolidated Fund then took place, and if the hon. Gentleman had given any explanation, it would have been very similar in character to the one which he had laid before the Committee. During that period, those charges for the administration of justice which had previously been defrayed by local rates had been placed upon the general revenue of the country; still, as regarded the observations of the hon. Member respecting the increased cost of the administration of justice since it had been thrown upon the Consolidated Fund, he (Sir J. Pakington) was certain, though the hon. Gentleman had cited the example of Scotland, that he had no ground for saying there had been any improper increase of the expense in that particular—he could speak confidently for his own county at any rate; and he did not believe generally that the cost had increased a shilling more since the change had taken place, and he thought he might say the same of most other counties. The hon. Gentleman had made it clear, on the one hand, that one-half of the increase since 1852 had arisen from transfers, and he was willing, on the other hand, to admit that, so far as a great portion of the other division, namely, that of new items, it had been occasioned by the necessity of the times in which we lived, and was rendered necessary by the great social improvements which had taken place. No one who heard the hon. Gentleman could fail to be struck with the great increase in the cost of stationery, which was equal to two-fifths of the whole amount, and which, in two years, had brought it to two millions and a half. He did not think the war fully explained that increase; but, if there was one item which he was inclined to regard with more doubt than another, it was that one connected with the expenditure of County Courts. He did not call into question the benefit which arose from the system of County Courts, but he thought that the improvements which had been made, might have been carried out without saddling the general revenue with so large an item of expenditure as it was now called upon at present to pay. As regarded County Courts, he could only say that he wished that in one item — the salaries of the Judges—Parliament had been more liberal. As regarded the Police Act, he (Sir J. Pakington) considered it as an unqualified blessing to the country, and he believed that Her Majesty's Government had acted both justly and wisely in undertaking the expense of that measure. The hon. Gentleman had spoken of the large and interesting increase which took place year after year in the Vote for education. He (Sir J. Pakington) would not then enter upon that subject; and he would, therefore, only say that he would go entirely with the hon. Gentleman in the wish that the grant might be an increasing one every year, provided always that it could be shown the present system of education was the best for the purposes for which it was intended. He should never object to any increase on that Vote, so that an equivalent could be proved; but at the present time he considered that no such equivalent existed; and, moreover, he believed that the principle of local control held good in this case, as in the case of the poor rate, cited by the hon. Gentleman, or as in the case of the administration of justice. With these few remarks he would conclude, only repeating that in his opinion the Government had done well in laying before the House a statement such as they had—a statement which he could not but look upon as satisfactory.

Mr. BRISCOE said, he had derived great information from the statement of the hon. Gentleman, but he wished to know whether the sum now proposed, £136,146 would be voted at once, or whether the several items would be taken separately, as he considered that it was absolutely necessary for the House to watch closely the expenditure of the public money. There was one item with regard to which he was very anxious to obtain some information, and that was an item for the purchase of furniture.

Mr. AYRTON said, he rose to order, as he understood the discussion that evening was to be taken upon the general question raised by the statement of the right hon. Gentleman the Secretary to the Treasury and not upon the details of particular Votes.

Mr. BRISCOE was under the impression that he was perfectly in order in referring to the items contained in the Votes under their notice. He had no wish, however, to persevere in addressing the Committee if to comment upon the details of that Vote were deemed to be irregular; but he was anxious to put a question before he sat down to the right hon. Baronet the First Commissioner of Works in reference to the park at Hampton Court. Notices, he had been informed, had recently been posted up in that park to the effect, that those persons who had hitherto enjoyed the privilege of having a key admitting them to it would be allowed that privilege no longer, except upon condition of the annual payment of a guinea. That was an announcement which had given much dissatisfaction to the people in the neighbourhood, and he should, therefore, wish to know why it had been made?

Mr. W. EWART also complained that the park and gardens of Hampton Court were closed against the public, and reserved entirely for the privileged persons who resided in the palace.

The CHAIRMAN said, it might be convenient that he should state to the Committee what he understood to be the form in which their proceedings were to be conducted that evening. He was clearly of opinion that the course which had been proposed was that the right hon. Gentleman the Secretary to the Treasury should make a general statement with reference to the expenditure under the several heads embraced in the Civil Service Estimates. That general statement having been made, he of course could not preclude any hon. Member from entering into a general discussion upon it, and he thought it would facilitate the progress of public business if that course were then taken; but, if any question arose in reference to the specific items of a Vote, that explanations should be asked for and given when the particular Vote was under discussion.

Mr. W. WILLIAMS agreed with the right hon. Baronet (Sir J. Pakington) that the course pursued by the Secretary of the Treasury, in making his statement in Committee, was a most inconvenient course. The straightforward and usual course would be to make it while Mr. Speaker was still in the chair, for in that case there could be a discussion on the subject. He (Mr. Williams) complained of the extravagance of the Votes in every department of the Government—army, navy, civil service, revenue, &c.—one and all they had been increased to an enormous extent; and at no period of the financial history of this country had propositions for so large an amount of expenditure during a time of peace been made by many millions. In 1828, under the Canning Ministry, the Civil Service Estimates only amounted to £2,012,000; in 1830, under the Duke of Wellington, they fell to £1,930,000; in 1834, under Lord Grey, they were £2,007,000; in 1838, under Lord Melbourne, they were £2,061,000; in 1845, under Sir Robert Peel, they were £2,034,000; while this year, 1857, they were £7,250,000. There was nothing in the situation of the country to warrant such an increase, and yet it had gone on, and would still go on, unless it was checked. As regarded County Courts the increase of the salaries was much greater than the House had sanctioned; and as regarded the Dublin Hospitals, he (Mr. Williams) did not see why these institutions should be supported by the State more than the hospitals of any other town. The hon. Gentleman, however, charged the House with being the cause of this extravagance. He was sorry that he must agree with him in that opinion, for he had often seen the House disposed to adopt the propositions of the Government, however extravagant; but after the challenge made to the House by the Secretary to the Treasury, he hoped hon. Members would be prepared to show that they were not disposed to take for granted everything proposed by the Government. He believed that if the Government would grant a Select Committee the House would be able to make immense reductions, not only in the Civil Service, but also in other departments.

MR. AYRTON wished to remind the Secretary to the Treasury that the late Mr. Hume had for twenty years endeavoured to bring all the income of the country into the public Exchequer, and that the right hon. Gentleman (Mr. Disraeli), when Chancellor of the Exchequer, was, to his credit, the first Minister who saw the advantage of that course. He trusted that next Session an investigation would take place with the view of relieving the revenue from the great charge now imposed upon it from the erroneous principles adopted relative to the expenses connected with County Courts. It was alarming to see the increase which had taken place of late years in the Vote for education. He hoped there would be no further increase in this Vote until the Government had brought the whole question of education under the notice of Parliament in a distinct and intelligible form. There was nothing more unconstitutional than for the Government to slip in an addition to the education Vote of £50,000 in one year and £100,000 in another, to be disposed of by the Committee of Council on Education as they pleased, without any settled plan of education having rceived the deliberate sanction of Parliament.

COLONEL SYKES felt that there was a want of verification and explanation in order to satisfy the Committee that the Estimates were wanted. One half might possibly do where the whole was asked for; but how could he tell? For instance, there was an item of £6,218 for Hampton-court Palace, stables, and outbuildings. There was no explanation of this item; nor of £7,960 for Treasury and other Government offices in the Whitehall district; nor of a charge of £4,901 for furniture for the Secretary of War. If these Estimates were previously submitted to a Committee for the purpose of being examined there would then be some grounds for asking the Committee to vote them. At present he felt utterly incompetent to declare whether these sums ought to be voted or not.

MR. W. EWART said, that the hon. and learned Member for the Tower Hamlets (Mr. Ayrton) was right in stating that the right hon. Gentleman (Mr. Disraeli) was the first Minister who made the proposition to bring all the income into the Exchequer; but the Member who first originated this reform was Sir J. Bowring, who was then Member for Bolton. He agreed with the hon. Member the Secretary to the Treasury in the opinion that local affairs ought to be left to local government as much as possible, and thought it would be better if the criminal and police expenditure were left to the county and borough authorities, instead of being paid out of the national funds. With regard to education, it would never be in a satisfactory state until it was established as in Scotland and the United States—upon a popular basis, managed by the people themselves, and paid out of the rates. The Secretary to the Treasury had stated that the salaries of the clerks in the Government departments had diminished rather than increased of late years, and there was reason to believe that in many cases the salaries of the most useful administrators in our public departments were much below their proper amount.

MR. STAFFORD said, he must make this general observation that during the whole time he had been in Parliament he had never seen hon. Members receive Estimates so easily, or pay so little attention to retrenchment, as they had done this Session. The election speeches and addresses which he had read led him to hope that the expenditure of the country would undergo some scrutiny; but the reckless way in which the Estimates had been recently voted for the Army and Navy was not merely a temptation, but a stimulus to extravagance, on the part of the Government. No exhortations to economy of any importance or coherence had been addressed to the Government by hon. Gentlemen on the Ministerial side; but, from quarters in which an ardent and sometimes even an indiscreet zeal for reductions used to prevail, such as the representatives from Southwark and other places, positive appeals had been made in favour of further outlays, beyond what even the Government themselves had thought necessary. Every subordinate department of every Government office was always calling out to its superiors for increased expenditure, and every Government office was always calling on the Treasury to sanction such increased expenditure. With this pressure from the subordinate departments, not to mention other influences, what chance was there of enforcing economy upon the Government by mere carping and nibbling at minute Votes of £100, without giving them a diligent and comprehensive study before approaching their discussion? It was ridiculous to content themselves with proposing to refer the Estimates to a Committee. According to the practice of our constitution, a Committee could not take the place of the Ministry of the day. The skill of the Secretary to the Treasury was shown as much in what he skimmed over as in what he fully explained. If hon. Gentlemen opposite did not bestir themselves to redeem some of the electioneering pledges which they had so lavishly made in favour of economy, they might one day find that they had taxed too far, not the credulity only, but the endurance of their constituents. He hoped they would display more knowledge and more care in discussing the present Estimates than they had displayed in regard to the Votes for the Army and Navy, because, to do hon. Gentlemen justice, less knowledge and less care than were exhibited on that occasion he had never seen.

VISCOUNT PALMERSTON said, he wished to draw a conclusion very different to that which the hon. Gentleman had drawn from the course the House had pursued in regard to the military and naval Estimates. The hon. Gentleman inferred that because no great objections were offered to those Estimates, hon. Members had forgotten the pledges they gave at the hustings to enforce economy, and had shown a blameable want of industry in not making themselves masters of the details of the several Votes proposed to Parliament. He (Lord Palmerston) must beg leave to draw an exactly opposite conclusion from that fact. He inferred, and was justified in inferring, that if there had been no prolonged discussions on the Army and Navy Estimates, it arose from this plain and simple fact — that hon. Members having paid attention to the details of those Votes—having exercised great industry — in making themselves masters of them, and in comparing the Estimates now presented with those which were presented during the war were struck with surprise—as he knew many were— that the Government had been enabled in so short a space of time to make such great reductions in regard both to the army and navy. Therefore he took, as a tribute of praise to the care and attention which the Government had bestowed on the economical arrangement of these branches of the public service, the hon. Gentleman's admission that the Estimates had met with the general acquiescence of the House. And speaking now seriously on the subject, those who were the most competent judges, and had bestowed attention to the subject, were satisfied that the Government had done as much as they possibly could do in the course of the year that had elapsed since the war, in reducing the charges of the public service. He would say a word as to the course his hon. Friend (Mr. Wilson) had pursued in regard to these Estimates. He was surprised that any one who had attended to the course of public business in that House should hold that his hon. Friend ought to have made his statement while Mr. Speaker was in the chair. Had he done so, he would have departed from the course always taken in analogous cases. It was always customary when it was necessary to introduce Estimates by an explanatory statement to make that statement after Mr. Speaker had left the chair, and when the House was in Committee of Supply. And that was obviously the more convenient course, for the debate on the Estimates being a desultory discussion, it ought to take place in Committee, when hon. Members not being fettered by the strict rules of debate, were more free to state their opinions upon the various items therein, and to receive such explanations as it might be requisite to give. So far, then, from his hon. Friend having adopted a new course, he had strictly followed that which was always taken in reference to the Army and the Navy Estimates, and that which was in every way the most convenient to the House. But, independently of these considerations, the Chairman had ruled that his hon. Friend was in order in the course he had pursued, and the opinion of Mr. Speaker himself, and also of other hon. Gentlemen who were high authorities as to their forms of procedure, was to the same effect.

Mr. HENLEY observed that this question was not so much one of order as of convenience. No doubt, strictly speaking, the Secretary to the Treasury had been in order; but there was no perfect analogy between the Estimates for the Army and Navy and those for the Civil Service. The former were more or less one subject, and turned on general considerations as to the number of men required for both those services; whereas the Votes for the Civil Service were entirely miscellaneous in their character, and as different from the Army and Navy Estimates, and also from each other, as light and darkness. They related to a motley group of heterogeneous subjects ranging from the cost of a Palace at home to the charge for consular establishments abroad. However, he understood from the Secretary to the Treasury that his practice on the present occasion was to be considered exceptional, and was not to be adopted as a precedent. He should be sorry to see these Estimates referred to a Committee, which would probably only lead to their being increased 50 per cent. A Committee had neither body, soul, conscience, head, tail, nor anything else, and there was no kind of enormity which might not be practised by a Government under its shelter, as it could not have that information as to what was necessary and what was not which the Ministers possessed. He was glad the noble Lord derived so much satisfaction from the silence of hon. Members behind him on the Army and Navy Votes, but thought it possible the noble Lord's explanation might excite in their minds as much suspicion as their silence had done in the minds of others.

SIR JOHN SHELLEY wished to know whether the Vote for buildings at Hampton Court included any outlay on the "stud house?" He thought that as there was an annual sale of blood stock at Hampton Court connected with the breeding establishment, it was scarcely fair to throw the expense of the stud buildings upon the country.

SIR ERSKINE PERRY inquired if the expense of keeping up the paddocks for a stud, at Hampton Court, was borne by the public? There being an annual sale of the stock, he thought the charge should be borne by those who received the produce of such sales.

MR. BENTINCK complained that there was no controlling power in the Government to decide what should be the proportionate expense of each department. The same discussions took place night after night and year after year, and the same result was always come to—namely, that the Vote was passed, and the money paid. He thought a general revision of the whole subject was necessary.

MR. BLACKBURN, having referred to the Estimates of 1852, wished to know how it came to pass that the Estimate for the present year on account of Royal palaces showed an increase of £80,000, or 70 per cent.?

SIR BENJAMIN HALL said, the sum voted last year for the Royal palaces was £41,862, and this year it was £39,690. As to the Hampton Court Palace expenses alluded to by the hon. Member for Westminster (Sir J. Shelley), none of the items charged had any reference to the racing stock, but was entirely for the stud which was kept up for Her Majesty's use. In answer to the question of the gallant Colonel (Colonel Sykes), who said that £4,901 had been granted for furniture for the Secretary of War, he had to say that that amount was the sum granted last year, and only inserted in the present Estimates for the purpose of comparison. As to the £6,218 for Hampton Court Palace, there had certainly been an increase of £783, arising from the employment of police instead of sentries, and from the repairs of the chapels, making good some wood carvings. It was never intended that a charge was to be made for admission to the Hampton Court gardens; but, with a view of putting a stop to certain nuisances, it was intended that, if gentlemen wished to have keys to pass through the private park, they might have them on payment of 20*s.* a year.

Lord JOHN MANNERS said, the statement just made by the hon. Baronet was additional evidence as to the inconvenience of the course taken that evening. The hon. Gentleman (Mr. Wilson) in an able and laborious statement, instituted a comparison between the expenditure of 1852 and 1856. Hereupon a question was put to the right hon. Gentleman (Sir B. Hall) as to the increase which had taken place in the Vote now under discussion between 1852 and 1857: but the right hon. Gentleman replied to this "Don't talk to me about 1852; I know nothing of that year, but I am prepared to answer any questions with respect to 1857." Now, if this were to be the result of the course taken by the hon. Secretary to the Treasury, he thought that the Committee had gained nothing by his exordium, but for all practical purposes were rather more in the dark than they were before. Surely the hon. Gentleman the Secretary of the Treasury, who had originated this mode of proceeding, was bound to explain the increase that had taken place in the Vote immediately before the Committee. Every subject that could possiby be thought of was opened up by the statement of the hon. Gentleman. The hon. Member for the Tower Hamlets (Mr. Ayrton) was not justified in saying that, as to the half million of money about to be voted for educational purposes, they were utterly ignorant as to how it was to be applied. The member of the Government to whom that department belonged should have immediately risen in his place to furnish the hon. Gentleman with the information for which he sought. He contended that the great subject of education was greatly prejudiced by observations of such a nature—observations which were induced in consequence of the inconvenient mode of proceeding adopted that evening by the hon. Gentleman the Secretary of the Treasury.

Mr. AYRTON explained.

Mr. WILSON said, that the increase of expenditure in public buildings and palaces in 1856, as compared with 1852, was £81,000. There had been no increase in palaces occupied by the Queen, but the great increase had been in two items of public buildings and offices in England and Scotland. In 1852 the rents for public offices was £8,832, while in 1856, the rents were £42,638; and there had been an increase of £7,856 for furniture. There had been voted last year £6,000 for the repair of King's College, Aberdeen, and £5,000 for the purchase of land for the erection of an office for the Scotch Poor Law Board, and all those items made up the increase of £81,000 for 1856.

Mr. SPOONER inquired why an item of £7,000 for Burlington House and Marlborough House was separated from the Vote of £73,000 granted for the Department of Art and Science?

Colonel FRENCH asked, by what authority the right hon. Gentleman took it upon himself to charge £1 for entrance into Her Majesty's Parks? The last time he was there, he observed that the trees had been greatly injured by the horses that were now taken into the park in lieu of cows, because the former paid a shilling a week more.

Mr. ROEBUCK said, he was rather struck by the observations of the hon. Member for Northamptonshire, (Mr. Stafford) with regard to the conduct of the House on the Army and Navy Estimates. The hon. Member said that hon. Members had made wondrous statements on the hustings as to what they would do when they came into the House, but when they came there they did nothing. The hon. Member should have recollected that, in order that hon. Members of that House should be able to do something, they must have knowledge of what they were going to do, and that could only be gained by experience. He had collected from the statement of the hon. Gentleman that he found fault with the Naval Estimates, and blamed the House because they did not interfere, and propose reductions in them. He would ask whom could the House be more ready to follow in the reduction of these Estimates than the hon. Gentleman? If knowledge obtained by experience of office was necessary to deal with these Estimates, he ought to have acquired it. The hon. Gentleman said the Naval Estimates were extravagant: who was more capable of pointing out extravagance—of putting his finger on items of extravagance—than the hon. Gentleman? But he had set an example of shrinking from that duty—and should he be the first to blame hon. Members who had just come into the House for making professions on the hustings, and then not making those criticisms on the Estimates which the knowledge and experience of the hon. Gentleman rendered him fully capable of making? He (Mr. Roebuck) could well understand gentlemen, on their first entrance into political life, saying on the hustings that they would be ready to sanction and support every possible reduction. He would ask whom were they to follow in an attempt to make these reductions? If his lamented Friend, Mr. Hume, were there now, there was no one they would more readily have followed; for, although Mr. Hume had never been in office, he spoke with an authority derived from long experience on the subject of the Estimates. But if there was a gentleman who had a right to know something of the Naval Estimates, it was the hon. Member for Northamptonshire himself, and if any man could have pointed out extravagance, it was the hon. Gentleman; and he ought to be the last man to have sneered at new Members who did not propose reform and reduction in those Estimates. He (Mr. Roebuck) would allow that the Estimates required special attention, and he believed the hon. Gentleman, the Secretary to the Treasury, with his skill and ability in putting a gloss on matters, could overturn any inexperienced Member; but he could not overturn the hon. Member for Northamptonshire. That hon. Member could have met the other hon. Member almost on equal terms. He did not say that he could have met him on equal terms as regarded the capability of putting a gloss on the case; but still the hon. Gentleman (Mr. Stafford) had some power of making the worse appear the better cause. Indeed, if he (Mr. Roebuck) had to select two cocks for an arena, he did not know that he could choose a better match than the Secretary to the Treasury and the hon. Member for Northamptonshire; and he thought that the Committee would agree with him, that it did not lie in the mouth of that hon. Member to accuse the new Members of that House with not redeeming the pledges they had given to their constituents. He would now refer to a special matter. With respect to the mode in which the Estimates had been brought before the Committee, he quite concurred in the criticism which had been expressed by the right hon. Member for Droitwich, because, as there had been a departure from the proper method, there seemed to be no means now of leading Members away from the general discussion, and of confining them to the details of the special matters in hand. The course which ought to have been pursued should have been, that a general statement should have been made, on the Motion that Mr. Speaker do leave the chair, as it was notorious that the discussions in that House were more solemn and serious when Mr. Speaker was in the chair. He wished to know when the general discussion was to close.

MR. STAFFORD said, that the hon. and learned Gentleman was quite right in saying that he (Mr. Stafford) had learnt something of the navy, and he had learnt one or two other things besides. One of these was, to take good-humouredly and easily any attacks made upon him. He had had so many, and such bitter attacks made on him, that he had ceased to be very thin-skinned. The hon. and learned Gentleman had stated—not what he did say, but almost the very opposite of what he said. He had made no attack on the Naval Estimates; he was present all the time they were being discussed, and so far as he remembered, there was not one article to which he objected, because he was content with supporting Her Majesty's Government. But, at the hustings, he made no pledge of retrenchment. They, the county Members, were supposed to support prodigal establishments, and to maintain a wasteful expenditure, and the arguments of hon. Members opposite—of those who would supplant them in the good opinion of constituencies—said, if they came into Parliament, they would cut down the Estimates, and retrench the public expenditure; but that, if those country gentlemen were returned—those wasteful Tories—it might be expected that the establishments would be large, and the expenditure heavy. Now, he had ventured to apply the principles of those hon. Gentlemen to their conduct; and he repeated that he, not having come into Parliament with pledges of economy, was perfectly consistent in supporting Ministers in maintaining the necessary establishments, while the addresses and speeches of hon. Gentlemen opposite certainly had led him to expect other things from them. If they had modified their principles, or altered their opinions—if they had been taught that it was desirable to maintain larger establishments than when simple citizens and private gentlemen they thought to be necessary, so much the better for them—so much the better for the Government—and so much the better for the country. It was a change on their part on which they must permit him very respectfully—but very good-humouredly, and very heartily—to congratulate them.

Mr. SPOONER asked if they might not now conclude that the general discussion had terminated? It was ten o'clock, and not one Vote had been agreed to?

Mr. MOWBRAY wished to have some explanation about the Vote for Burlington House, and whether any plans had been prepared for the conversion of that building to public uses?

Mr. WILSON explained that the cost price of Burlington House in 1853 was £140,000, and it had been purchased with the view of building public offices upon the site. Plans were prepared during the period that the late Sir W. Molesworth presided over the Department of Works, but no steps had been taken to carry them out, and the Government had no present intention of doing so. In consequence of the great demand for space at Somerset House, arising from the increased business which was caused by the succession duties, it was found necessary to remove the learned Societies from the wing which they had occupied in that building, and to transfer them temporarily to Burlington House. A Vote of £4,758 was asked for making a large hall in which the meetings of those Societies could be held, and in which also the examinations of the London University and for the Civil Service could be conducted.

Mr. ROEBUCK said, the hon. Member for Northamptonshire (Mr. Stafford) had told the Committee that he supported the Government upon the Navy Estimates because he found nothing in them to which he could take exception. The Committee would judge whether the statement of the hon. Gentleman originally was not finding fault with Members for not objecting to the Navy Estimates, and he (Mr. Roebuck) could not forbear adding that the next time the hon. Gentleman read a lesson to the House, at least he should have some foundation for it. The hon. Gentleman said he was thick-skinned, and he (Mr. Roebuck) had no desire to wound the hon. Gentleman under that thick skin, but could assure him that his own temper was as unruffled as the hon. Gentleman's.

Mr. KER thought it would be better to desist from personal discussions and proceed with the public business.

Colonel HERBERT thought that such discussions as those which had taken place between the hon. Member for Sheffield (Mr. Roebuck) and the hon. Gentleman the Member for North Northamptonshire (Mr. Stafford) were very much to be regretted, as tending to obstruct the progress of the Committee.

Mr. GILPIN said, with reference to the remark of the hon. Member for Northamptonshire, he was one of those who had been alluded to by the hon. Gentleman as having advocated reduction on the hustings, and having since falsified his pledges by his conduct in that House. He had made those pledges, he was not ashamed of them, and he meant to redeem them. He had learnt a lesson in that House, and that was, that hon. Gentlemen should not talk of that with which they were imperfectly acquainted, and before he committed himself to deal with any particular measure he was resolved thoroughly to understand it—he would endeavour to learn before he attempted to speak. He believed that the cause of retrenchment and economy, which he did not advocate at the expense of perfect efficiency, would be better promoted by hon. Gentlemen learning and gaining experience by the conduct of affairs in that House.

Colonel SYKES commented upon the inconvenience which arose from the accumulation of questions in such a manner that, notwithstanding the right hon. Baronet's willingness to afford information, it was impossible for him to bear in mind all the points upon which hon. Gentlemen had asked for information. He had asked for explanation upon some points, but other hon. Members interposed with other questions, and his had been overlooked. He had already risen seven times to put his third question, and he again wished to know the meaning of the item of £7,960 for a long list of rooms, houses, and mansions, to be hired, as he presumed.

Mr. WISE thought they were proceeding in a very unsatisfactory manner. In order to extricate the Committee from the position in which they were placed, he should move that the Chairman report progress.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

SIR BENJAMIN HALL said, he thought it would be more convenient if hon. Members would allow him to answer one question before others were put. He was perfectly ready and willing to give any explanation that might be required.

MR. W. WILLIAMS was going to put a practical question. He intended to propose a renduction of the Vote.

THE CHAIRMAN reminded the hon. Member that the Motion before the Committee was, that he do report progress.

COLONEL FRENCH hoped that the Chairman would not report progress until the right hon. Baronet (Sir B. Hall) had had an opportunity of answering the questions which had been put to him. The right hon. Baronet had just informed them he was quite ready to answer the four or five questions which he had been asked, but he had sat down without replying to any one.

SIR HENRY WILLOUGHBY really thought the best course would be to report progress. He had called attention to the point of order yesterday, as he foresaw what would take place. It was impossible in a general discussion of Estimates containing 130 distinct items to consider any one point as it should be considered.

THE CHANCELLOR OF THE EXCHEQUER said, that several very serious charges had been preferred against the House that evening. It had been accused of lavishly voting the Army and Navy Estimates. It had also been imputed to it that it had been somewhat prodigal of money with respect to the Civil Service Estimates. He thought it would be liable to the charge of wasting time if, at that hour of the evening and with so much business before it, it was not to make but to report progress, simply because the questions which had been put to the Chief Commissioner in a desultory and, perhaps, not very intelligible manner, had not been answered in a way which some hon. Gentlemen seemed to expect. He was quite sure that it was the wish of the Chief Commissioner to answer every question which might be put to him, and which he understood. His right hon. Friend had already answered a large number. Whatever questions remained unanswered, the Chief Commissioner, when they were brought plainly before the House, would answer to the best of his ability. In these circumstances it was to be hoped that the Motion for reporting progress would be withdrawn, and that the House would be allowed to proceed with the Estimates.

LORD CLAUD HAMILTON thought it was unfair to blame the Chief Commissioner for any want of courtesy in refusing to answer questions. The fault, if any, lay in putting such a vast number of items in one Vote. How was it possible for the House, whatever might be its anxiety to guard the public purse, to discuss in anything like an orderly manner a Vote which extended over eleven closely printed pages? He would suggest that the various items should be taken in the order in which they appeared on the Vote, and that, after one had been disposed of, no hon. Gentleman should be allowed to go back upon it.

SIR BENJAMIN HALL thanked the noble Lord for his observations, and asked how it was possible for him to answer questions which not only required time for their consideration, but were put in such rapid succession, and referred to so many different items scattered over the face of the Vote, that it was extremely difficult even to understand them? There were, as far as he recollected, only three questions which he had not answered. The first, put to him by the hon. Member for Stirlingshire (Mr. Blackburn), required him to institute a comparison between certain Estimates for 1852 and those for the present year. He was not prepared to do so at the time, but, having immediately sent for the book which contained the Estimates for 1852, he was now in a position to give the hon. Gentleman the result of his examination. In 1852 the expenditure for the Royal palaces was £45,427, while in the present year it was £39,690, showing a decrease of between £5,000 and £6,000. The next question—that of the hon. and gallant Member for Aberdeen (Colonel Sykes) referred to the sum of £7,960, expended on public offices in the Whitehall district. Those offices were the largest in the various departments, and, as compared with last year, there was a diminution of no less than £2,000. The third question was put by the hon. Member for Roscommon (Mr. F. French), who asked who was responsible for the charge of £1 per annum for keys of admission to Hampton Court Park? His reply was, that as Chief Commissioner of Works, and having charge of the parks, he was responsible for it, and, if any further explanation were necessary, he would merely say that the park in question was a private park, that it had never been thrown open to the public, that keys were given to certain persons as a matter of favour, that the privilege had been abused in many instances, and that the charge now made was less than that demanded for admission to similar places elsewhere, and could in no sense be called exorbitant.

MR. W. EWART inquired why the pictures at Hampton Court were not classified and labelled in the same way as those in the National Gallery and other public collections?

SIR BENJAMIN HALL stated, in reply, that as soon as the pictures sent to the Manchester Exhibition were returned he intended to have them classified, and the names of the artists and the titles of the subjects affixed to them.

MR. WISE remarked, that his only object in moving that the Chairman report progress was to save the time of the House; and, on the distinct understanding that they were now to proceed with the business before them, he would be happy to withdraw it.

Motion, by leave, *withdrawn.*

Original Question again proposed.

MR. W. WILLIAMS proposed to make a reduction in the Vote, which he said contained a great number of things all jumbled together in the most unaccountable manner. He did not wish to propose any alteration with regard to Her Majesty's palaces, but there were other palaces in a different position. There was a charge "for the internal and external repairs of Clarence-house, the apartments of his Royal Highness the Duke of Cambridge and the apartments of her Royal Highness the Duchess of Cambridge," &c., amounting to £2,689. Kensington Palace, with the stables and out-buildings, £945. Hampton Court Palace, with the stables and outbuildings, £6,218. Purchase of the lease of the water-mill on the bank of the Longford river, and for fixing a pump, &c., £950; Hampton Court-gardens, £110; Hampton Court stud-house, and paddocks and buildings in Hampton Court Park, appropriated to the stud establishment, £1,881; Kew Palace, and buildings on Kew-green, £897; the Royal Observatory, Kew, £450; military knights' houses, Windsor, £301. Richmond Park, &c., £130; furniture, &c., for the repair and cleansing of furniture and fittings at Kensington, Kew, and Hampton Court Palaces, £1,180; making a total for palaces not in the personal occupation of Her Majesty of £18,160. There was a charge of £4,725 for Burlington-house; £720 for offices for the Ecclesiastical Commissioners; £500 for the Board of Health; £50 for the Chancellor of the Exchequer's stables, Scotland-yard; £8,208 for Holyrood Palace; £245 for Linlithgow Palace, and other charges of a similar nature. He proposed to reduce these various items one-half—namely, £17,834. These reductions would bring down the additional Vote for Royal Palaces to the sum of £118,312.

Whereupon Motion made, and Question proposed, "That a sum, not exceeding £118,312, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintenance and repairs of Royal Palaces and Public Buildings."

SIR JOHN SHELLEY wished to know whether any of the money appropriated for Hampton Court Palace and stables, and Bushy-park, gardens, and stables, was applied for the purposes of the breeding studs in those places?

SIR BENJAMIN HALL: None, whatever.

LORD CLAUD HAMILTON wished to know whether, if the whole Vote were reduced as proposed by the hon. Member for Lambeth by the sum of £17,834, the several Votes mentioned by that hon. Member would be reduced in the proportions stated by him?

MR. BLACKBURN noticed that there was a Vote taken in these Estimates for Sandhurst College, while a Vote for the same college had been taken in the War Estimates. One department might be pulling down what the other built up.

SIR BENJAMIN HALL said, that this was the last time the item would appear in the Civil Service Estimates, for next year it would be handed over entirely to the War Department.

MR. J. L. RICARDO concurred in what had been stated by the noble Lord (Lord Claud Hamilton) that if the Committee should determine to reduce the whole Vote it would even then have no security that the particular items would be reduced in the way desired by hon. Members. He therefore thought that the Chairman had better report progress, in order that the Estimates might be brought before the Committee in a more convenient form, and so that the items might be considered separately.

THE CHANCELLOR OF THE EXCHEQUER said, that the Committee ought to bear in mind that this was not the first year in which this class of Estimates had been laid before them. It was convenient to adhere to the form in which they had been voted for a long series of years for the purpose of comparison. It was true that the Vote consisted of a greater number of items, and that formerly the items were not given in such detail, but that had been done in deference to the frequently expressed wish of the House. He was asked how it was possible the Committee could, if they wished, omit an item of £4,500. Any hon. Member could move to reduce the Estimate by that amount, and if it were carried on a division, the Government would consider themselves bound by the decision, and not apply that sum of money to the object to which it referred. That was the ordinary practice in dealing with Votes in Committee of Supply, and was not peculiar to the Civil Service Estimates, but was common to the Army and Navy Estimates.

MR. HENLEY admitted that it was convenient to adhere to precedent in the form of the Vote, unless good reasons could be given for departing from it, but thought it was very unjust indeed to Her Majesty that a large Vote of £196,000 should be asked for palaces and public buildings, when by far the greater part was for public buildings with which Her Majesty had no more to do than the Pope. The amount for public buildings had grown out of all proportion to the amount for Royal Palaces, and he thought it would be very convenient if in another year the Vote were divided. Many hon. Members might not wish to strike out the £4,500, but might wish to strike out a larger sum, and he apprehended, if the Vote were reduced by the lesser sum, they could not further reduce it.

MR. BENTINCK did not think they would lose the advantage of comparison if the Government put the Votes in a more distinct form. The number of large sums which appeared under one head produced confusion and rendered it difficult to discuss them.

MR. ROEBUCK said, he wished to impress upon the Committee the objection of the right hon. Member for Oxfordshire. Supposing the smaller sum were carried, and he wanted further to diminish the amount, he believed, by the form in which the Vote was placed before the Committee, he could not do so. The Chairman would tell him that the Committee had determined to vote £118,000, and he could not propose a less sum. No comparison was really afforded by the printed Estimates, and the whole thing was therefore a delusion.

MR. W. WILLIAMS said, he would withdraw his Amendment.

Amendment by leave *withdrawn;* Original Question again proposed.

SIR JOHN TRELAWNY then moved that the Vote be reduced by £4,500—the amount of the item for the residence of the Crown Equerry.

Motion made, and Question proposed, "That a sum, not exceeding £131,646, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintenance and repairs of Royal Palaces and Public Buildings."

MR. ROEBUCK said, he would now put the question distinctly to the Chairman. Supposing the smaller sum to be carried, and supposing he wanted afterwards to reduce the amount by £7,960 for the Whitehall district, could he move an Amendment which would have that effect?

THE CHAIRMAN said, it would not be competent for the hon. and learned Gentleman to move a further reduction.

THE CHANCELLOR OF THE EXCHEQUER said, when in Committees of Supply propositions were made for the reduction of several sums it was the practice to propose the reduction of the largest sum first. For example, if on the Vote then before the Committee one hon. Member proposed to reduce it by £50,000, another by £40,000, another by £30,000, and so on, the practice would be to put first the reduction of the £50,000, and if that were negatived, then to put the reduction of £40,000, and so on till the Committee arrived at the least reduction; but if the largest reduction were agreed to, then it would not be competent for any hon. Gentleman to move the reduction by a lower sum. With respect to the statement of his hon. and learned Friend (Mr. Roebuck), that the form in which the Votes were presented in the present Estimates led to delusion, inasmuch as it afforded no means of comparing the Votes for the present year with those of former years, if his hon. and learned Friend would refer to page 2 of the Estimates marked 2, he would see a comparison of the different Votes for the years 1856 and 1857.

MR. J. L. RICARDO said, that the

right hon. Gentleman had not met the real difficulty, for the case might happen that he wanted to reduce the Vote under consideration by £4,500, while another hon. Gentleman might wish to reduce it by £3,000, and he wanted to know if, by the rules of the House, the Committee could entertain one Motion after the other? The whole difficulty seemed to arise out of the practice, on the part of the Treasury, of including large sums in one item in the Estimates, in order to carry them by a single Vote, and so avoid discussion and trouble. After the decision of the Chairman he saw no alternative but to move that the Chairman report progress, in order that time might be given for the form in which the Estimates were presented being amended.

Motion made, and Question proposed, "That the Chairman do report progress, and ask leave to sit again."

VISCOUNT PALMERSTON said, the difficulty which his hon. Friend (Mr. Ricardo) imagined to exist in this case was in reality no difficulty at all. It was perfectly impossible that an Estimate could be given without the details on which it was founded being given at the same time, and it was equally impossible that a separate Vote could be taken on each of its details. Every Estimate must necessarily include a great number of different items, and if any hon. Gentleman wished to object to any portion of the aggregate, he might move a reduction equivalent to the sum of which he desired to get rid, and if that reduction were carried it would be well understood by the Government that the particular charge, which was the subject of the reduction was not to be incurred. There was no difficulty in the matter.

MR. ROEBUCK: The noble Lord said those who objected to some particular portion of the aggregate sum might make the objection, and take the opinion of the Committee upon it. But suppose there were a dozen hon. Gentlemen who wished to take as many similar objections? There were something like 90 or 100 items in this Vote. The hon. Baronet (Sir J. Trelawny) objected to No. 3, and he (Mr. Roebuck) objected to a great number besides. What was he to do? According to the decision of the Chairman of the Committee he could do nothing. He was absolutely driven by the admirable system, which the noble Lord (Viscount Palmerston) eulogized, to sit down and hold his tongue. He (Mr. Roebuck) wanted to get at the different items in the proposed expenditure, and with that view he would put a question to the right hon. Gentleman at the head of the Board of Works. He wanted to know whether the right hon. Gentleman had looked into the accounts respecting those different items, or, if he had not, who had, and who was answerable for the sums put down? He (Mr. Roebuck) found this item put down as part of the Vote under consideration:—

> "St. James's Palace.—For the internal and external repairs of Clarence House; the apartments of his Royal Highness the Duke of Cambridge and the apartments of her Royal Highness the Duchess of Cambridge; and for the external repairs of houses and apartments not occupied by members of the Royal family and their respective households, £2,689."

He wished to know who in that House was answerable for the correctness of that item?

SIR DENHAM NORREYS thought it was quite time that the House should attempt to control the extravagance shown in the items included in the Vote under consideration, and he strongly recommended the hon. Baronet (Sir J. Trelawny) to take the opinion of the House on his Motion.

MR. WILSON wished to explain how the dilemma might be surmounted, by stating what took place on the discussion of the Estimates last year. One hon. Gentleman moved to reduce an Estimate by £5,000, another moved to reduce it by £7,000, and another by £3,000. In that state of things the Chairman put the lowest sum of all to which the Vote was proposed to be reduced, and in so doing the object of all the three was secured. He would only add, that he could not see any good arise from the Chairman reporting progress at that hour of the night.

MR. HENLEY thought the statement of the hon. Gentleman (Mr. Wilson) was open to some exception. The hon. Gentleman said one hon. Member moved to reduce a Vote by £5,000, another by £7,000, and a third by £3,000. Each of the three hon. Members would make a Motion to that effect, and how the Chairman came to put only the lowest sum to which the Vote was proposed to be reduced he (Mr. Henley) did not understand. Objections to different items did not really make one aggregate amount for reduction, inasmuch as one hon. Member might be inclined to retain what another wished to strike out. He wished to have an explanation from the Chair upon that point.

THE CHAIRMAN said that, supposing that three reductions of a Vote of £50,000 were proposed by different Members—the first of £5,000, the second of £10,000, and the third of £20,000—it would be his duty, in the first instance, to put the question upon the reduction of £20,000. If that reduction were carried, it would not then be competent to any hon. Member to propose another Amendment; but if it were negatived, it would be his duty to put the reduction of £10,000; and if that were rejected, the reduction of £5,000. If either the first or the second of these reductions were assented to by the Committee, it was not open to any hon. Member to propose a further reduction.

MR. HENLEY thought that, as such various objections were taken by hon. Members to the items of this Vote, the best course would be for the Government to withdraw the Vote, and put it in such a form that its details might be brought more clearly before the Committee for discussion.

SIR FRANCIS BARING believed the Chairman had stated most correctly the course which ought to be followed with regard to questions of this kind. At the same time, he must confess he had always been of opinion that the practice pursued in Committees of the House was open to great objection. It had been suggested that the Votes should be subdivided, and, consequently, that a greater number of Votes of less amount should be submitted to the Committee. He believed, however, that if that were done the difficulty would not be obviated. He thought the best plan would be for the Chairman of the Committee, Mr. Speaker, and other hon. Members of experience, to consider the matter, with the view of simplifying the Votes, for under the present system some hon. Gentlemen were anxious to effect one reduction, and some another, while none of them knew for what they were really voting.

SIR BENJAMIN HALL believed the right hon. Member for Portsmouth (Sir F. Baring) was quite correct in his opinion that, however the Estimates might be divided or subdivided, the same difficulties as were now experienced would continue to exist so long as the forms of the House remained unchanged. He had endeavoured to comply, as far as possible, with the wish of the House by framing the Estimates of his department in such a manner as to render them easily intelligible, and if he remained in office next Session he would place the items included in those Estimates under different heads;—for instance, in No. 1 Estimate he would give the expenditure for palaces, for public buildings, and for furniture, separately.

MR. PALK said, that if such were the difficulties to old Members, how great must be the difficulty for those who now entered the House for the first time. He thought the suggestion that these rules should be referred to a Committee acquainted with the subject a good one, and the best thing would be to agree that the Chairman report progress, and ask leave to sit again.

MR. AYRTON suggested that the best plan of avoiding confusion would be to enable hon. Members to move that particular items be struck out of the Estimates.

COLONEL SYKES said, the withdrawing of the Estimate would not advance the matter in the slightest degree, because a principle was at stake, and that principle was the privilege of every Member of the House to object to any Vote. An Estimate might contain fifty items. If, however, he proposed to reduce the Estimate by the amount of one of those items, and was unsuccessful, no other hon. Member could object to any item in that Estimate. If such was the rule of the House, as he understood it to be from the explanation of the Chairman, he thought the sooner it was amended the better.

MR. DISRAELI said, that he believed the hon. and gallant Member for Aberdeen was mistaken in supposing that if his Motion for the reduction of an item was negatived, he would be precluded from proposing the reduction of another item in the same Estimate; the case only arose when the Motion for reduction was carried. He did not think the forms of the House were so objectionable as some hon. Gentlemen seemed to suppose, for during a long experience he did not remember any similar difficulty to that which had been experienced that night. Generally speaking, the items had been fewer in number and much less in amount, and therefore the difficulties which had arisen that night had not been experienced in the same degree. The Government having decided, in compliance with the general wish of the House, to afford detailed particulars of each Estimate, the inevitable consequence was, that it was now necessary to consider a number of separate Votes which were formerly comprised in a single Estimate. He did not think that the forms of the House presented the difficulties which had been suggested, but the best course to pursue would, he believed, be to assent to the course suggested by his right hon. Friend, in order that the Government might have an opportunity of reconstructing the Estimate. He did not see any other way out of the difficulty, and he was by no means sanguine that any good would result from an attempt to alter the forms of the House. Those forms had been adopted after a very extended experience, and had very recently been submitted to the consideration of some of the most experienced Members of the House; and nothing would be more dangerous than suddenly and rashly to alter forms which, in point of fact, embalmed the experience of centuries of Parliamentary legislation.

SIR BENJAMIN HALL would consent to withdraw the Vote for the present, on the understanding that the Committee would proceed with the next Vote. He was only actuated by a desire to meet the wish of the Committee, and also to get through some business that evening. He would therefore consent to withdraw the Vote upon that understanding, and to bring it forward divided into three heads on a future occasion.

SIR DENHAM NORREYS considered that the forms of the House to which reference had been made occasioned a great deal of inconvenience. They were a new Parliament, and they ought to begin new ways. If he found himself supported by the House, he would himself, before the next Committee of Supply, move an instruction to the Chairman that when any hon. Member objected to any particular item the discussion should be confined to that item until it was disposed of by the Committee.

MR. J. L. RICARDO wished the right hon. Baronet to understand that he did not accept his proposition to divide the Vote into three heads. Many hon. Gentlemen thought that it ought to be divided into more than three heads. The present form of the Estimates was most inconsistent. In one Vote items which had no relation with each other were mixed up together, while he found that there were two separate Votes for the harbours of Holyhead and Port Patrick.

Motion, by leave, *withdrawn.*

Amendment and Original Question, by leave, *withdrawn.*

(2.) Motion made, and Question proposed, "That a sum, not exceeding £75,781, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, and other charges connected therewith."

MR. DILLWYN said, that he did not understand why the people in different parts of the country should be called upon to pay for the establishment of parks in the neighbourhood of London, and he should therefore move that the Vote be reduced by £8,069 14*s.*, the sum asked for Battersea Park.

Motion made, and Question proposed, "That a sum, not exceeding £67,711 6*s.*, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, and other charges connected therewith."

SIR BENJAMIN HALL said, that when the Civil Service Estimates were under the consideration of the House last year, he was urged to complete Battersea Park. When he came into office, it was almost a swamp, without a shrub or a walk in it, and it was not yet quite laid out. He, however, would do his utmost to throw it entirely open to the public by the month of August in the next year. It was now in part open, and was frequented by thousands of persons.

SIR JOHN TROLLOPE observed that, as he understood the Vote under consideration, it involved the £11,000 to be voted for the works in St. James's Park. Now, a distinct assurance had been given upon the part of the Government that that particular item would not be pressed that evening, and he should like to know why that assurance had not been adhered to.

SIR BENJAMIN HALL: I propose to reduce the Vote by the amount which the hon. Baronet has just mentioned.

Motion made, and Question proposed, "That a sum, not exceeding £64,096, be granted to Her Majesty, to complete the sum necessary to defray, to the 31st day of March 1858, the Expense of maintaining and keeping in repair the Royal Parks, Pleasure Grounds, and other charges connected therewith."

SIR FRANCIS BARING said, that the result of that proposal upon the part of the Government to move an Amendment upon their own Vote, would be that no other Motion for its reduction could be put. He saw on the Estimates a considerable item for laying down new iron posts and railings in Hyde Park, and he should wish to have some explanation upon the point.

Sir BENJAMIN HALL: That is an additional Vote.

Mr. BENTINCK objected to the Votes relating to St. James's Park, on the ground that the Committee was not in possession of the requisite information.

Mr. BLACKBURN then moved that the Chairman report progress. Owing to the confusion which prevailed with respect to the Vote, he thought that the best course which the Committee could adopt. It was impossible to proceed at that hour (five minutes to twelve).

Sir DENHAM NORREYS thought the Committee ought to have dealt with the proposal of the hon. Gentleman near him (Mr. Dillwyn) in reference to Battersea Park before they entertained the subject of St. James's Park. The system of thus proceeding from one point to another without arriving at a decision upon any, was productive of great inconvenience.

The CHANCELLOR of the EXCHEQUER said, that as certain papers connected with the Vote would not be delivered to hon. Members until Monday morning he was prepared to assent to the Motion for reporting progress.

Motion made, and Question, "That the Chairman do report progress, and ask leave to sit again," put, and *agreed to.*

The House resumed. Committee report progress; to sit again on *Monday* next.

SOUND DUES BILL—COMMITTEE.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. W. WILLIAMS rose to move that the Bill be committed on that day six months. The right hon. Gentleman the Chancellor of the Exchequer had told them the other evening that the amount of the revenue for the year, as compared with the expenditure, had left him a balance of £1,800,000 beyond the estimate he had formed; but it appeared that the actual expenditure of the year had exceeded the revenue by a sum of £3,250,000. He should be glad to see these Dues abolished, but he objected to a measure which would provide for their abolition at the expense of the public, and for the profit of the Baltic merchants.

Colonel WHITE felt bound to second the Motion; but, looking to the confusion that had prevailed all night in the debate, and the late hour of the night, he doubted whether the question could then be very usefully discussed. Still, as a new Member desirous to verify the promises he had made on the hustings, he could not forbear from offering a few observations. The principle involved in this question was one of no common importance. The Chancellor of the Exchequer, being rendered uncomfortable by having in the Exchequer rather more than he was accustomed to have, found out that there were very weighty motives of State policy which rendered it desirable to commute the Sound Dues. There could be no question about the policy of commuting these Dues, but the question was upon whom the incidence of taxation ought to fall—the Baltic merchants or the British people? The Baltic merchants were clever enough to shift the payment upon the British people, but as he was a representative of the British people and not of the Baltic merchants, he was there to say that the payment of this impost ought not not to fall upon the British people. He repudiated altogether the assertion that these dues were paid by the consumer. They were paid by the producer, and he had great pleasure in seconding the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day six months, resolve itself into the said Committee," instead thereof.

The CHANCELLOR of the EXCHEQUER said, that on a former occasion, when he laid the Resolution on the table, the question was fully debated both in its principle and details, and as no new topic had now been submitted to the House he should ill consult the wishes of the House if he entered upon the subject at any length at that hour (a quarter past Twelve o'clock). He would, however, remind the hon. Gentlemen that the object of this Bill was to fulfill the engagements of a treaty which had been entered into with the King of Denmark, and that all the principal Powers of Europe, including France, Russia, Austria, Prussia, and Sweden, were parties to that treaty, paying a similar sum in proportion to their trade as ourselves. These Powers having a direct interest in the question, and having also access to statistical and local information, the presumption was that the arrangement was beneficial to the Powers signing the treaty, of whom Great Britain was only one. His hon. Friend had misunderstood his statement of the financial condition of the nation at the present moment as compared with that of the beginning of last Session. Having made that statement when the financial year was incomplete, he was only able to make an estimate of the expenditure and income for the last six weeks of the year. It was necessary to be on the safe side, and as his estimate of the income was insufficient and his estimate of the expenditure was greater than the reality, the consequence was that at the end of the year the Exchequer was £1,500,000 richer than he had anticipated. Under these circumstances he did not feel justified in proposing to borrow money by the creation of permanent annuities; but, there being a sufficient sum to defray this charge in the Exchequer, he preferred to pay it at once. This, he believed, would be a most beneficial arrangement for the consumers of this country, upon whom the Sound Dues ultimately fell. His hon. Friend would see on reflection that these Dues, being an addition to the cost of navigation in the Baltic, must enter, like all such charges, into the price of the articles furnished for the use of the community. He therefore trusted the House would go into Committee on the Bill, and enable Her Majesty's Government to complete this arrangement.

Mr. WYLD trusted, that due provision would be made in the treaty for the keeping up of the lighthouses along the coasts of the Sound and the Great Belt by the Danish Government. Her Majesty's Government ought also to have stipulated for the remission of the Danish transit Dues, which would press very heavily on the commerce of the country. The redemption of the Sound Dues was, however, a very judicious measure; and he hoped that the hon. Member for Lambeth would not persist in his Amendment.

The CHANCELLOR of the EXCHEQUER explained that there was a very full provision in the treaty respecting the lighthouses. A large proportion of the transit Dues would also be abolished.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

House resumed: Bill *reported*, without Amendment, to be read 3° on *Monday* next.

The Chancellor of the Exchequer

THE GRAND JURIES (METROPOLITAN POLICE DISTRICT) BILL.

SECOND READING.

Order for Second Reading, read.

Mr. WINGFIELD remarked that by the Act constituting the Central Criminal Court a portion of the southern part of the county of Essex was brought within its jurisdiction. There they had no police Magistrates; and he therefore thought that some exception ought to be made in the case of prisoners committed by the local magistrates from that district.

Sir FREDERIC THESIGER said, the present was not the proper occasion for going into the details of the measure. When they got into Committee he should be happy to attend to any suggestion the hon. Gentleman should make, but the committals from the district referred to were so few that he did not see any grounds for exempting them from the Act.

Bill read 2°, and *committed* for *Tuesday* next.

House adjourned at a Quarter before One o'clock, till *Monday* next.

HOUSE OF LORDS,

Saturday, June 13, 1857.

Minute.] *Took the Oaths.*—The Lord Archbishop of Armagh.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned at a quarter past Three o'clock, to Monday next, Eleven o'clock.

HOUSE OF LORDS,

Monday, June 15, 1857.

Minutes.] *Took the Oaths.*—Several Lords.
Public Bills.—1ª Sale of Obscene Books, &c. Prevention; Joint-Stock Companies Act Amendment; Court of Exchequer (Ireland).
3ª Princess Royal's Annuity.

PORTLAND HARBOUR BILL.

PETITION FOR COMPENSATION.

The Earl of DERBY *presented* a petition from Mr. J. J. Moore, praying that the Bill may be suspended until the Act 10 *Vict.* c. 24, has been complied with, and the claim of the late Count Hompesch adjusted and settled. In 1843 Count Hompesch obtained from the Government a licence to take shale on the coast of this island, for the purpose of manufacturing it into various articles of commercial importance, and he afterwards made it over to a company, of which Mr. Moore was a principal member. In 1847 land was taken for the construction of Portland Harbour, which interfered with his right, and for the loss thereby sustained the petitioner now sought compensation from the Government. He also prayed that a clause might be inserted in the Bill for transferring the harbour works at Portland to the Admiralty, to prevent his claim to compensation being barred by that Act.

LORD STANLEY OF ALDERLEY, who was indistinctly heard, was understood to say that Mr. Moore had no right to compensation, as there was no assignment to him of the original lease, and he had therefore sustained no injury. The Bill alluded to in the petition would in no way interfere with any claim he might have against the Crown.

Petition to lie on the table.

ROYAL HIBERNIAN ACADEMY.

PETITION.

LORD TALBOT DE MALAHIDE *presented* a petition from the President and other members of the Royal Hibernian Academy, praying for inquiry into the present inefficient position of the Academy, and for enlarging its constitution. He wished to observe that he did not quite agree with all the statements contained in this petition. He was well acquainted with the petitioners, one of whom was the President of the Academy, a man of considerable distinction in the fine arts, and of considerable standing; and another was the secretary, who had also attained to eminence in that branch of art. It was well known that much discussion had arisen of late as to the management, and much personal difference had been introduced, calculated to mar the good effects of the institution, which during the twenty years of its existence had been of great service in promoting the cause of art in Ireland. He did not think that any good could be done by a Committee or a Commission, which the petitioners suggested, but he hoped the attention of the Government would be given to the matter in order that the management of the institution might be placed upon a satisfactory footing.

Petition to lie on the table.

CONSECRATION OF BURIAL-GROUNDS.

PETITION.

EARL FORTESCUE *presented* a petition from the Burial Board of St. Thomas the Apostle, Exeter, praying for an alteration of the law respecting the closing of old and consecrating new burial-grounds. The noble Earl proceeded at some length, but in an inaudible tone of voice, to state that the Burial Board complained that the Bishop of Exeter had refused to consecrate a cemetery which had been opened by the parish as a substitute for the old ground, because, as he (the Bishop of Exeter) alleged, there was no sufficient division between that portion of the cemetery which was intended for the interment of Dissenters and that intended for the burial of members of the Established Church, whereas the Board contended that they had made a separation by means of a wall, and had done all that was required.

LORD WENSLEYDALE said, he had hoped that in the case referred to the Bishop of Exeter had taken counsel as to the exact meaning of the terms of the canon relating to burial-grounds. No doubt the right rev. Prelate had acted conscientiously; but nevertheless it would be found that the terms of the canon applied to the churchyards of parishes, the only places of burial which existed at the time the canon was framed; but as the law now stood, a certain portion of every burying-ground that was established was required to be set apart and distinguished from that portion which was not consecrated, and, as he understood, that course had been taken in the present instance, and the law had, therefore, been complied with.

LORD CAMPBELL said, he would abstain from giving any opinion on the present case, but he implored the House to take some means to amend the law, so as to prevent the occurrence of those distressing scenes that now so frequently took place in connection with the burial of the dead.

LORD BROUGHAM thought, with the noble and learned Lord (Lord Wensleydale), that there must in this case have been a misconception of the terms of the canon, and he trusted that means would be taken to prevent the deplorable scenes that now took place, and to put matters on a fair and equitable and consistent basis. That these disputes should cease was for the interest not only of the Church but of the community at large. It was a remark of the celebrated circumnavigator, Captain Cook, that whatever tended to shed a halo of sanctity round the graves of the dead was calculated to preserve the living.

The Earl of PORTSMOUTH said, that having brought this matter under their Lordships' attention last year, he felt it to be his duty to say a few words on the subject now. From the case then stated it was shown that the action of the Bishop had practically excommunicated the inhabitants of Tiverton. Such an aggressive policy would bring discredit rather than benefit on the Church, and was likely to tend to a severance of Church and State.

The Bishop of SALISBURY said, that no case of this kind had occurred in his diocese; but he would remind their Lordships that the Committee which sat upon the subject had recommended a separation between the consecrated and unconsecrated ground; and the Bishop in this respect had only acted in accordance with that recommendation.

Earl FORTESCUE replied.

Petition to lie on the table.

CRIMINAL JUSTICE IN BENGAL.

PAPERS MOVED FOR.

The Marquess of CLANRICARDE rose to move for certain papers relating to the police system and the administration of criminal justice in Bengal. The first paper was an important document, written by the Lieutenant Governor of Bengal, Mr. Halliday, so far back as April, 1856. The purport of that paper was known in Calcutta very soon after its official presentation, and was known in this country last autumn; and he apprehended there could be no objection to its production, because it had already been ordered to be laid before the other House of Parliament; but the East India Directors had, in February last, upon the back of a return, declared that they had no cognisance of such a letter. Whether the statement was strictly or only literally true, it was equally disgraceful to the East India Directors, who had been wanting in their duty if they had not made themselves acquainted with an important document which was known to many people in this country, as well as to every one at Calcutta. The other paper which he intended to move for was a despatch written by the East India Directors in September last to the Governor General, in which the question of police and the administration of criminal justice were treated of. That paper had already been laid before the other House, and he presumed there would be no objection to its production in their Lordships' House. The administration of justice in India was no new subject of complaint. When a noble Earl opposite (the Earl of Ellenborough) was Governor General, he pointed out to his Council the necessity for taking immediate steps to put it upon a more satisfactory footing, and he made a variety of suggestions for the improvement of the police. From that time to the present the subject had repeatedly been brought under the notice of the authorities. There had been petitions from Natives, from Europeans, from all classes in India, and now at last out came this paper from the Bengal Government itself. It contained several admirable recommendations; but, instead of ending by instructing the Governor General to carry those recommendations into effect, it merely desired him to take the subject into earnest consideration, and, after communicating with the other Presidencies, to report to the Court of Directors his opinion as to the expediency of a reorganization of the police throughout India. At this time of day that was a perfect mockery in the way of reform, because the subject had long engaged the attention of every one connected with India, and repeated remedies had been pointed out. The President of the Board of Control stated the other evening in the House of Commons that the time for inquiry had passed, and the time for action arrived. Why, then, did the right hon. Gentleman not act if the Court of Directors declined to do so? Why were the latter allowed to interfere on all occasions and prevent the adoption of much-needed reforms? He might be told that something had been done to improve the criminal jurisdiction in India. There was, indeed, a Bill now before the Legislative Council, having for its object the improvement of criminal procedure in India; but, as far as he was informed, this Bill had no reference to the police, who acted in some respects in a judicial capacity, and who, as the Court of Directors were aware, too frequently made their office the means of corruption and oppression. The professed object of that Bill was to apply one uniform criminal code to the whole of India; but that measure, so far from giving content to any class in India, had excited the most profound dissatisfaction alike among Natives and Europeans. He held in his hand official authority for that statement. The Legislative Council, which sat as a Parliament to discuss measures that were brought before it, had an authorized report of its debates, and he held in his hand an Indian paper, part of which, in the style of some foreign journals, was headed "Official." Under that title he found the report of a debate upon the Bill for the codification of the criminal law. Sir Arthur Buller was represented as saying that the Bill had excited the greatest alarm among the Europeans, who were indignant at its being proposed to place them under the Company's Courts; that their dissatisfaction was justified by the disgraceful state of the courts in question, and that he intended to propose the exemption of all Europeans from the operation of the Bill until the courts were reformed. The Chief Justice endeavoured to combat the arguments of Sir Arthur Buller; but he practically came to the same conclusion—that it would be monstrous to subject the Europeans to the jurisdiction of the Company's Courts in their present state. What had still further embittered the feelings of the mass of Europeans was that all the servants of the Company were to be exempted from the operation of the Bill. The truth was, however, that the reform had been begun at the wrong end. The chief fault lay not in the laws, but in the *personel* of the courts. The Judges were men without legal qualification. He did not mean to say that there never was a Judge of high character and attainments in any of the Company's Courts. Such a happy accident had happened more than once. But, on the whole, the Company's Courts, from the highest to the lowest, were not so constituted that any one had or could have confidence in them. As a proof, it was only necessary to say that out of 332 persons convicted in Sessional Courts, presided over by two of the Company's Judges, 148 were acquitted on appeal. The Bill now before the Legislative Council was, in fact, a Bill for establishing an improved code of procedure, and for that object, it was an excellent measure. But they could not make a good court without a good Judge. It was not the code of laws, but the administration of that code, which afforded dissatisfaction. The code administered with so much honour and dignity by his noble and learned Friend the Lord Chief Justice of the Queen's Bench would not give satisfaction if it were administered by Commissioners of Inland Revenue. When it had been stated by a magistrate in India, who was as amiable, just, and honourable a man as ever lived, that his fellow-magistrate refused to concur in an order because it would be disagreeable to the Government—when, upon the same authority, it was stated that a Judge of the Supreme Court had been instructed in the views of the Government upon a case which was about to be submitted to the court—when it was notorious that corruption prevailed, it was no wonder that Europeans would not go before those tribunals, and it became the duty of the British Parliament to interfere. After admitting and dabbling with the grievance for twenty-five years, the Government had remitted the whole question to the Legislative Council of India. But the Legislative Council ought not to supersede the British Parliament, and he asked for a copy of the instructions sent by the Government, in order to see whether the Government had empowered the Legislative Council to pass any Bill they might please, or imposed upon them the necessity of adopting a particular code. There were two obstacles to any real reform of the courts of India. The first and principal obstacle was the monopoly of the civil service, and the second was the condition of Indian finance. Upon the question of the close civil service he would refer, for illustration, to two cases. In the *Indian News* there appeared this paragraph:—

> "Considerable dissatisfaction has arisen among the members of the civil service in consequence of the reported elevation of Mr. Raikes to the Suddar Court, he never having been a judge, and having served several years in the Punjab, which is a non-regulation province."

The officers who administered justice in the non-regulation provinces were not guided by a regular Company's Court, or by any code at all, but only by "equity and good conscience," and it was stated on high authority that justice was best administered in the non-regulation provinces. There were no Company's Courts, no corrupt officials, none of the machinery of the Company's Courts, and consequently none of the chicanery which distinguished them. Mr. Raikes might be the most learned man in India, but the civil servants were dissatisfied with his appointment, because he had served several years in the Punjab, which was a non-regulation province. He might refer to a still stronger case, that of Mr. Brown, who was a Commissioner in a district not far from the Santhal country, and who he (the Marquess of Clanricarde) had heard had been hardly treated. That gentleman had been discharged from his office on the ground of the "injudicious character of his measures, the misapprehension of law and practice exhibited in his investigations and correspondence, the indications of a disturbed and unbalanced state of mind, and the absence of all self-possession." It was stated that Mr. Brown had been twenty years a Commissioner, and if the account of him which had been just quoted were true, he could not have been studying law during that period; yet, would the House believe that a recommendation had been sent out by the Court of Directors that the very man who had been dismissed from his functions as a Commissioner for the reasons which he (the Marquess of Clanricarde) had related to their Lordships, should be appointed a Sessions Judge upon the recommendations in his favour of the Court of Directors? Nor was that all. The gentleman in question had actually been told that he might look forward, if he wished it, to the appointment of a Civil and Sessions Judge on a vacancy occurring; so that eventually their Lordships might find the man who had been declared to be so incompetent as to justify his removal from a former office, which he had held for twenty years, presiding in a judicial capacity over the lives and property of his Asiatic fellow-subjects. But the present system not only led to the appointment of indifferent and ignorant judges, but it prevented the appointment of those who were competent. He would mention a case in respect to which he should expect to hear some explanation. A high judicial office having become vacant, it was offered by the Lieutenant Governor, Mr. Halliday, to Mr. Riley, a learned gentleman eminently qualified for the Bench: every one admitted his fitness for the office, his high honour, and his perfect capability; but he was not a covenanted civil servant, and after he had been nominated, by the Lieutenant Governor, Lord Dalhousie did not dare to ratify his appointment. The result was, that another person was appointed; but objection was taken to him on the score of incompetency. In reply to that objection, which could not be disputed, it was asked, who among the covenanted civil servants would be found better qualified? and that gentleman, a civil servant, in spite of that protest against him on the admitted ground of incompetency, was put into the position of a Judge, to deal with the lives and property of the population, although a much fitter man, but not in the civil service, had been previously appointed to the office. Would such a proceeding be tolerated in this country by the British Parliament for a single moment? Would it be tolerated in the smallest of our colonies? But it was said that, in the present state of the finances of India, the Government could not afford the necessary expense that would be incident to a change in the existing system. To withhold money for carrying out so essential an object as that, was the worst possible economy. The uncovenanted and the Native Judges were grossly underpaid; the salaries of some were as low as £180 a year. Was this the way of maintaining either the independence or the proper dignity of the judicial office? yet, to what other means were they to look for a restoration of the finances of India, if it was not to the establishment of an effective system of administering the law all over the country, without regard to the monopoly claimed by the covenanted? They could not increase the taxation in that part of the British dominions; that had been acknowledged over and over again. On what condition, then, could we retain and perpetuate our dominion there? It could only be by encouraging and fostering British enterprize and skill, and stimulating the employment of British capital in that direction, so that their united influence might permeate through all the institutions of the country, and call forth all its varied resources: but, at present, they were, by the state of the police and of the law courts, deterring Europeans from going there, and it was only to them that they could look for any rational prospect for developing the capabilities of the country. He therefore implored their Lordships to take those things into their consideration. At present they had every class in India against them. He defied them to point to any class in a worse condition than the peasantry. The people, indeed, were in the lowest state of poverty; the existing tenure of land ground them down, and the police system oppressed them; and their Lordships might be assured that men would not embark their money, their enterprise, and their energy in a country where they knew they would be robbed and plundered with impunity so long as those iniquitous courts continued to hold sway over the country. In truth, nothing could perpetuate for a moment the existing state of things but the double government of India, which interposed a screen between the power of Parliament and that country. He trusted that the discussion which the subject had undergone would be the means of rousing Parliament from the apathy with which it had hitherto regarded this subject. The noble Marquess concluded by *moving*—

"That there be laid before this House,

"Copy of the Minute, dated April, 1856, of Mr. Halliday, Lieutenant Governor of Bengal, upon the State and the Administration of Criminal Justice in that Presidency: Also,

"Copy of a Despatch, dated 20th September, 1856, from the Court of Directors to the Governor General of India upon the same subject: And also,

"Copies of the Correspondence between the East India Company's Directors and the Governor General of India respecting the Introduction to the Legislative Council of the Bills for the Improvement of the Law in India now under Consideration."

The Duke of ARGYLL said, that the speech of his noble Friend was very much a repetition of that which he had addressed to a former Parliament about two months and a half ago; and upon that occasion it had fallen to his lot to endeavour to show to their Lordships that whatever ground there might be for complaint upon matters of detail as regarded the state of the judicial establishments, of the police, and of those other matters connected with the internal administration of India, his noble Friend had not made out any case for organic change in the system of the Indian Government. He would not on the present occasion go over the same ground again, but he would endeavour to notice shortly some of the points to which his noble Friend had alluded. It was certainly true that the Minute of Mr. Halliday of the 6th of April, 1856, was not yet in the official possession of the Government; but that fact could not support any accusation of carelessness or indifference against the Court of Directors. If any such charge could be brought—and he denied that any could fairly be brought—it would be against the Government in India; but he did not think that his noble Friend would believe that Lord Canning or the Legislative Council of India had any particular object in withholding that document. The facts of the case lay within a small compass. Shortly after the appearance of Mr. Halliday's Minute a petition had been got up by the missionaries in Bengal, founded both upon the statements contained in that Minute and upon their own knowledge, praying the Government to issue a special commission to inquire into certain grievances which they alleged to exist in Bengal. The Government of India, thus called upon to form a decision, immediately came to the conclusion that it would be extremely imprudent and useless to issue such a commission, and a Minute was drawn up by Mr. Halliday, another by Lord Canning, and another by another Member of the Council, stating the reasons upon which that decision had been come to. That Minute the Home Government had been placed in possession of; but the previous Minute of Mr. Halliday had not yet been placed in their possession, probably because the Indian Government were preparing to act upon it, and it would not be possible to legislate upon it at home. Then again, his noble Friend, in reference to the police, had quoted some statements from a despatch with a view of showing that the Government were aware of its inefficiency, and he had also insinuated that there was a contradiction between the language of the despatch and that which had been used in another place by the President of the Board of Control. As to the efficiency of the police, he believed that he had said enough in the way of admission upon that subject on a former occasion; and as to the apparent contradiction, what was the real state of the case? It was true the paragraph from the despatch dwelt upon the expediency of inquiry, and the President of the Board of Control stated that the present was not the time for inquiry but for action. But his noble Friend had overlooked the fact that the inquiry and the action referred to two entirely diffierent questions. His noble Friend must be aware that the question of police was a very large question, and one with regard to which many different opinions existed. It was thought by many persons that the police force of India should have a military organization which should extend over the whole of India; and therefore the reason was obvious why the Government at home should have directed the Indian Government to inquire into the subject and consult the authorities in the different Presidencies upon it. But the inquiry refused by the Indian Government, which the Board of Control considered them justified in refusing, was one of a much more vague and general kind, embracing every cause of evil in the social condition of the people of Bengal. His noble Friend had referred to a statement made by him upon a previous occasion to the effect that measures were under the consideration of the Supreme Government with reference to the judicial system, the police, and the law relating to landlord and tenant, and had expressed his belief that he had been mistaken in that statement. Now, he would tell their Lordships the authority upon which he had spoken. In a Minute of Mr. Halliday, of September, 1856, it was stated that the questions of the police and of the judicial system were under the consideration of the Government, and that measures relating to those subjects would in all probability be presented to the Legislature; and in a subsequent Minute the Governor General stated that, with regard to the improvement of the police and judicial system, matters were ripe for action; as also with regard to the law of landlord and tenant. He was not aware whether those Bills had been since introduced, but he thought that he had been justified in stating that measures were being prepared by the Government, and were likely shortly to be submitted to the Legislative Council. His noble Friend had referred also to the criminal code. It was quite true, as had been stated by his noble Friend, that the Commission of 1853 had recommended a criminal code for the adoption of the Legislature, and his noble Friend had appeared to blame the Government for referring that code back to India, instead of proceeding at once to legislate upon it. Now, for his own part, he could not take blame to the Government for thus acting, because it appeared to him that that course was a wise and prudent course. Then his hon. Friend said that it was clear that the Indian Government were aware of the inefficiency and corruption of their own courts, because, although they wished to subject other Europeans to the jurisdiction of the Company's Courts, they exempted their own servants. Now the Commission recommended that British subjects should be under the same judicial system; but they recommended, also, that the civil servants of the Company should not be subject to those Courts. But the real reason for that exemption was to avoid suspicion of partiality, and it was thought better that one class of the servants of the Company should not be liable to be judged by another class of their servants. It was important to remember that the strongest statements referred to by the noble Marquess and others who thought with him upon this subject were furnished by the Minute of Mr. Halliday, the present Lieutenant Governor of Bengal. If the Indian Government was ignorant of these facts, or sought to conceal them, there might be reason to fear that no remedy would be provided, but when it was seen that the Lieutenant Governor of Bengal, a gentleman who was examined before the Committee of 1853, and made a very favourable impression upon their Lordships, was giving his serious attention to the evils which affected the people of that province, and had sent home a Minute stating that he was about to recommend to the consideration of the Legislative Council measures for their amelioration, he (the Duke of Argyll) could not say that he saw any ground for fearing these evils would remain undealt with. With the various instances mentioned by the noble Marquess he was, of course, unable to deal, having had no notice of them; but he certainly could not understand that remark of his noble Friend that all the evils of the judicial system in India arose from the closeness of the civil service; because, whether wisely determined or not, one of the results of the deliberation of Parliament in 1853 was the declaration that the appointments in the civil service should be thrown open to competition, and that provision had ever since been faithfully acted upon. It was thought that the general calibre of the civil servants of the Company would be improved by admitting the element of competition throughout the whole extent of the service. At the same time the noble Marquess must know that from the enormous extent of the territory, the administration of justice throughout British India was a matter of extreme difficulty. No doubt the advice of his noble Friend that men possessing the education of English lawyers should be dotted about all over the country was very good; but they would make an immense addition to the expenditure. He admitted that it was the first duty of every Government to provide for the effective administration of justice in every country over which it exercised sway. But, it must be remembered, that even at home the whole justice of the country was not administered by a high class of legal Courts. A great part of the criminal justice of this country was administered by country gentlemen with no special legal education. Justice might often be done between man and man by the exercise of common sense on the part of the magistrate, although he might not have much legal knowledge. Still, as the Government of India stated that a measure was in contemplation, and, indeed, had been actually prepared, for the amendment of the judicial system of that country, they ought to wait for that measure before they passed a sweeping condemnation of the whole system. There was no objection to produce such papers and correspondence as they had, but the Government could not produce Mr. Halliday's Minute and some other documents, because they were not in their possession.

LORD MONTEAGLE said, that as far as he could follow the speech of the noble Duke, it contained nothing but the old cry of "wait." If he were as hopeful as the noble Duke, he would have no objection to take his advice and "wait" for the remedy of those evils of which his noble Friend had complained. Unfortunately, however, that was the advice which was always given in relation to Indian affairs, and our "waiting" had always ended in disappointment. The noble Duke said the intentions of Parliament, expressed both in the Charter of 1833 and in that of 1853, had been faithfully fulfilled. Was that really so? Why, as long ago as 1833 complaints on this subject had been rife, and at that period so loud was the cry that the Government of the day inserted a clause in the charter which struck a blow at the monopoly of the Directors by providing that on the occurrence of every vacancy there should be four candidates nominated by the Directors, of whom the most deserving should be appointed. But the Company contrived to render that utterly nugatory, so much so, that when some time after a demand for examination was made and refused, though the lawyers consulted gave it as their opinion that the right to demand the fourfold examination, as it was called, was imperative, and could only be set aside by Parliament, it was yet disregarded by the Company, and precisely the same monopoly as respected the appointments was preserved. The Charter of 1853 opened the Civil Service, so far as Act of Parliament could effect it, and abolished the distinction between covenanted and uncovenanted servants. Had it been acted upon? No such thing. Had they forgotten the case of Riley, stated by the noble Marquess, in which preference was given to a servant purely because he was a covenanted servant, though he was admitted to be incompetent for the vacant post, while at the same time a competent person was excluded? Was not that a violation of the plighted faith of Parliament? The noble Duke could not surely have forgotten the discussions which took place in the House upon the question of covenanted and uncovenanted servants, and that it was the expressed pledge of the Government that no such monopoly should prevail in future. It was in direct contradiction of the Act of 1833 that the old monopoly was maintained. Further than this, subsequently to the passing of the Act of 1853, there was laid on the table a remarkable Minute, supposed to have been framed by Mr. Macaulay, which laid down a very enlarged system of education for the civil service. According to this plan, young men going out to India were to spend two years in England, during which time they were to complete the European branches of their education, and more especially their legal study. They were to attend and prepare reports of the proceedings in our courts of justice, especially before the Judicial Committee of the Privy Council, and were otherwise to prepare themselves for the discharge of judicial duties. Before final appointment a subsequent examination was required, to show how the two years of probation had been spent; and it was anticipated that by the infusion of educated men, the general administration of justice throughout the country should be improved, and so put an end to a system under which it was the practice of the Company to send out young men entirely ignorant of judicial proceedings and without any sufficient legal knowledge whatever. That Minute—for which, at the time, the Government took great credit—had been trampled under foot with the same unconcern, with the same daring disregard of engagements entered into, as had been exhibited towards the Charters of 1833 and 1853. Yet he was now told to wait, and it was suggested that the Government of India and the Legislative Council were to be confided in. Now he would give one other instance which would show how unworthy of confidence that Government was, in regard to a matter as deeply affecting the welfare of India as the proper administration of justice in that empire. If there were one mode of obtaining judicial reform in India to which Government was pledged, and which Parliament had unequivocally sanctioned, it was the amalgamation of the Sudder Courts with the Supreme Court. That question was agitated as early as 1829, and all the witnesses, among whom were some of our most distinguished statesmen, were agreed upon the point. It was thought that it would be a great advantage to combine the knowledge possessed by the local Judges with the strict rectitude of the English superior Judges. They had heard of the reputation of Mr. Halliday, than whom no public servant was more worthy, and he, in 1853, expressed his opinion that the amalgamation of the Sudder with the Supreme Court would be most advisable, and that the addition of good English lawyers to those inferior courts would effect a great reformation in the administration of justice in India. Sir Edward Ryan, who had served as Chief Justice of the Supreme Court, fully bore out the opinions of Mr. Halliday. It was adopted and recommended by the Law Commission, composed of some of the best and wisest men. Their Lordships recollected how the inquiry ended, and how utterly futile were the labours of those who took part in it. Yet it was productive of some good, because it led the then President of the Board of Control (Sir C. Wood) to state that it was the intention of the Government to propose an Amendment in the constitution of the Indian courts, consolidating and improving them by the introduction both of the Queen's and the Company's Judges, and also providing that in some cases the Judges in India should finally decide the appeal. He, however, said that a Commission would be appointed to draw up a code of procedure, and that until the Report of that Commission had been made, the proposal would be suspended. A Commission was accordingly issued, consisting of Sir J. Romilly, Master of the Rolls; Sir John Jervis, late Chief Justice of the Common Pleas; Sir Edward Ryan, late Chief Justice in India; Mr. Lowe, Mr. Cameron, and others. They reported in favour of the junction of the two courts, and Sir Charles Wood had pledged himself to carry their recommendation into effect; yet no one step had been taken in that direction. It was not wonderful that suspicions should be entertained of references to India after the experience they had had of the battledore-and-shuttlecock manner in which Mr. Macaulay's original code had been tossed to and from India. The late Chief Justice Jervis, indeed, seeing the manner in which the Government were disposed to play with the question, when called upon to sign the third and fourth Reports, refused to sign it. "I consented to act on the Commission of Indian Law Reform," he said, in justifying his refusal, "on the express understanding that we were to endeavour to frame a code for all India. With that understanding, I applied myself to the duty; but if I had supposed that the Commission would be used to postpone legislation, that the subject would ultimately have been referred to India, I should not have consented to act. Considering that a slight has been cast on the Commission, I decline to take any further part in the proceedings of the Commission." This was a question that required the decision of the home Legislature. The Supreme Court of India was created by statute, and by statute alone could the evils complained of be remedied. He held in his hand a petition signed by Natives of the highest eminence and respectability in Calcutta, in which they prayed for an infusion of the influence of the Queen's Judges to guide and control the Judges appointed by the East India Company. This was not surprising after what had been laid down in the Report of Mr. Halliday, and he felt bound to say that had we opened our eyes sooner to the great evils that existed, a remedy might ere now have been provided. Wait, wait! is the reply of the Government. Had they not waited as they had done they might have obtained a speedy and effectual remedy for the state of affairs that now existed. The experience of the shifting and delays on the torture question was alone sufficient to induce him to express a hope that those interested would not wait longer. He should not raise any question that evening calling for the decision of the House, because he should wish to enter into a full examination of the whole of the Report of the Commission, and the whole of the system of which the Native petitioners complained; but he gave notice that at the next sitting of their Lordships he should inquire whether there was any intention on the part of Her Majesty's Ministers to keep their plighted word, by carrying these improvements into effect; if so, when the House might expect them to do so?

THE EARL OF ALBEMARLE said, he had three very important petitions to present from European and Native inhabitants of the province of Bengal, all relating to the subject which his noble Friend had brought under the consideration of the House; but the question was one of such vast importance that he felt it impossible to do justice to the case of the petitioners now. He was glad, therefore, that they were soon to have another debate on the subject of India. During this Session he had been very chary of bringing forward Indian grievances; but he must say that, regard the question of India from what side he would, it was one that almost filled him with despair. He was glad to have the present Lieutenant General of Bengal as a coadjutor in this work. One short sentence in his Report had produced the greatest effect on his mind. He said, alluding to India, "Here, the strong prey universally on the weak." Their Lordships were probably all familiar with the spectacle of a drop of dirty water as seen through the medium of the microscope. The animals brought to light were very small, but they were preying on each other—the strong universally preying on the weak. This was an epitome of the Government of India, while the Government at home looked on and did nothing.

After a few words from the Marquess of CLANRICARDE,

Motion, as amended, *agreed to.*

House adjourned at Eight o'clock, till To-morrow, Four o'clock.

HOUSE OF COMMONS,

Monday, June 15, 1857.

MINUTES.] NEW MEMBER SWORN.—For Kerry, Henry Arthur Herbert, esq.

PUBLIC BILLS.—1° Insurance on Lives (Abatement of Income Tax) Continuance; Leases and Sales of Settled Estates Act Amendment; Election Petitions; Wills, &c. of British Subjects Abroad.

2° Turnpike Trusts Arrangements.

3° Sound Dues; County Cess (Ireland); Militia (Ireland) Act (1854) Amendment.

CIVIL SERVICE SUPERANNUATION—QUESTION.

SIR JAMES ELPHINSTONE said, he wished to ask the Chancellor of the Exchequer whether the Government intended to introduce a measure this Session to carry into effect the alterations in the Superannuation of the Civil Service recommended by the Commissioners in their Report lately presented to this House? The right hon. Gentleman stated the other day that the Commissioners had referred certain questions to the actuaries in order to see what relation the sums deducted from salaries bore upon the question to be settled. The right hon. Gentleman at the same time stated that the Report of the actuaries would not be laid on the table for some months, and therefore there seemed a prospect that the Session would pass over without anything being done for the relief of the Civil Service.

THE CHANCELLOR OF THE EXCHEQUER said, he had nothing to add or alter with regard to the answer he gave to a similar question a few days since.

SAVINGS BANKS (No. 2) BILL—QUESTION.

MR. COLLINS said, he wished to ask the Chancellor of the Exchequer if he will introduce into a schedule in the Savings Banks (No. 2) Bill the regulations which he stated he had prepared for the future management of Savings Banks; and, if not, before proceeding further with the Bill he would lay these regulations on the table of the House?

THE CHANCELLOR OF THE EXCHEQUER: Sir, the regulations to which the hon. Gentleman refers have been prepared, and I shall be willing, if the House should desire it, to append them as a schedule to the Bill now on the table. But I ought to state that these regulations are framed with a view to banks that are not now in existence; and in order to enable the measure to work in practice it will consequently be necessary not only to give the Government power of making such alterations in them as experience may dictate, but also of adapting them to the circumstances of existing banks, as they may be brought within the operation of the Bill. If the House approve this course I shall propose that we go into Committee on the Bill *pro formâ*, to introduce a clause for the object which I have stated.

SURVEY OF SCOTLAND—QUESTION.

SIR DENHAM NORREYS asked whether it is proposed to go into Committee of Supply this day, or what day an opportunity will be given for discussing the question of the Survey of Scotland, on bringing up the Report of the Committee of Supply on the Army Estimates.

THE CHANCELLOR OF THE EXCHEQUER said, that the Committee of Supply stood the seventh in order, and there was, he apprehended, no prospect of its coming on that evening. With regard to the Report of the Committee of Supply, it would be placed first on the orders for Thursday, and after that the House would go into Committee of Supply on the Civil Service Estimates.

OATHS BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 (Oath to be taken instead of the Oaths of Allegiance, Supremacy, and Abjuration).

Mr. DEASY said that, in rising to move the Amendment which stood in his name, he had no wish to obstruct the progress of this Bill, or to prevent the Jewish subjects of Her Majesty from being relieved from the civil disabilities under which they now laboured. He was actuated solely by a sense of the duty which he owed to the Church to which he belonged, and to the constituents whom he represented. The case was short and simple, and he trusted he should not take up much of the time of the House in stating it. He also hoped to be able to lay it before them without provoking any angry or acrimonious discussion. The object of his Amendment was simply to alter the form of the oath contained in this Bill in such a manner as to enable that oath to be taken as well by the Roman Catholic subjects of Her Majesty as by every other denomination of their fellow-countrymen. He trusted the time had arrived when they would all assent to the principle, that as there was but one title to admission to that House, so there should henceforward be but one test of admissibility—namely, the bearing true allegiance to Her Majesty and promising to continue that allegiance in the line of succession pointed out by the Act of Settlement, and that they should no more see the unseemly spectacle of one set of Members standing on one side of the table, and another on the other side, taking different oaths. It seemed to him that the principle of the Bill, in the form which it had assumed under the guidance of the noble Lord, rendered it incumbent on the House to adopt his Amendment, for he took it to be the principle of the Bill to abolish all distinctive tests founded on differences of religious belief, and to provide that, when an hon. Member who had been duly elected came to the table of that House, he should not be asked by the clerk to what Church he belonged, but that all should be permitted to take their seat and exercise their privileges by subscribing one and the same test, and swearing to one and the same oath. The noble Lord who had introduced this Bill proposed to abrogate the distinction which had heretofore existed between the Jew and the Christian. He (Mr. Deasy) asked them to go further, and to abrogate the distinction which heretofore existed between the Protestant and the Roman Catholic. He asked, on behalf of the oldest and greatest of Christian Churches, that it should not henceforth be placed in an inferior position to those who, whatever might be their claims or their merits, had the misfortune of being unbelievers in our common Christianity. He meant not the slightest disrespect to the members of a community which he was most anxious to see relieved from the disabilities to which they had been, as he thought, unjustly exposed, when he said that those whose cause he advocated that night were equally as well entitled to the confidence of the Legislature and the favourable consideration of that House. He admitted they had not, as the noble Lord has said of the Jews, assisted the Chancellor of the Exchequer when it had been his duty to go to the money-market in order to raise loans for the service of the Queen; but they have contributed, and would, he was sure, again contribute, that amount of raw material—if he might so term their blood, their sinews, their courage, and fidelity — to her fleets and armies without which all the treasures of the Rothschilds would be vain and worthless. The shape and form of this measure rendered it peculiarly incumbent on the House, in justice to the Roman Catholics, to adopt the Amendment of which he had given notice. It would be remembered that the noble Lord, in seeking to admit the Jews, did not prescribe a separate test for the members of that persuasion, which might be taken by them without violence to their religious feelings. He not only struck out the passage to which the Jews conscientiously objected, but he proposed to alter or rather omit from the oaths hitherto taken by Protestant Members of the Legislature two important passages, which he, nevertheless, intended to retain in the oaths administered to Roman Catholic Members. In one of those passages the hon. Member taking the oath renounced and abjured the doctrine that Sovereigns deposed or excommunicated by the Pope or the see of Rome could be deposed or murthered by their subjects; and the noble Lord said, and said truly, that to exact any such declaration from a Protestant Member of that House was unnecessary and offensive. The noble Lord also proposed to expunge the passage in which a Member swore that he took the oath in the ordinary sense of the language and without any mental reservation or equivocation whatever. This the noble Lord rightly said was also unnecessary, and therefore offensive. But if it were unnecessary and offensive to exact these stipulations from a Protestant Member of that House, why was it not equally unnecessary and offensive to exact them from a Roman Catholic Member? The noble Lord at the head of the Government had said that the oaths in which these passages were contained ought not to be administered to Protestant Members, because they implied a mistrust in the loyalty and good faith of those to whom they were administered; but did not those portions of the oaths which were offensive to Protestant Members, and which were also inserted in the Roman Catholic oath, equally imply a mistrust in the loyalty and good faith of the Roman Catholic Members to whom they were administered? The noble Lord rightly reposed confidence in the loyalty and good faith of the Protestant Members of the Legislature, and he (Mr. Deasy) asked on behalf of those whom the noble Lord proposed to exclude from the benefit of this measure, whether he did not repose similar confidence in their loyalty and good faith? He was sure that the noble Lord would not draw any distinction in that respect between Roman Catholic Members and those belonging to a different persuasion; but he would call the attention of the noble Lord, and of the House, to the position in which the Roman Catholic subjects of the Crown would be placed if, unfortunately, the measure should be passed in its present shape. As long as the objectionable clauses of the oaths were exacted from all Members of the Legislature indiscriminately, so long the Roman Catholic Members had no reason to complain; but, if Protestant Members alone should be relieved from these clauses upon the ground stated by the noble Lord, the Bill passed in that shape would amount to a legislative declaration, by that and the other House of Parliament, that Roman Catholics were not entitled equally with Protestants to be regarded as men of loyalty and good faith. On behalf of Roman Catholic generally, he (Mr. Deasy) earnestly protested against any such distinction. It was not the Catholics who had originated this discussion about the form of the Parliamentary oaths, but the noble Lord himself who had proposed an innovation. Expediency required that a further alteration should be engrafted upon the alteration which had been proposed by the noble Lord. He (Mr. Deasy) sought to strike out of the Bill the exception which the Government proposed to engraft upon it. He sought to place all the subjects of Her Majesty on an equal footing—all Members of the Legislature on the same terms—and to exact from all one test, and one test only—namely, a promise of allegiance to Her Majesty, and to continue that allegiance in the line specified by the existing oath of allegiance. He did not anticipate any objection on the part of any hon. Member to the Amendment which he was about to propose. He was sure that no one thought that the throne of Her Majesty required any such security as was sought to be given to it by the retention of the objectionable clauses of the Roman Catholic oath. If the thrones of Sovereigns in our times were in danger, that danger did not proceed from Rome, but from a very different quarter. He knew it would be said that some compact was made at the time of the passing of the Emancipation Act, which prevented Roman Catholics from seeking an alteration of the oath under which they obtained admission to the Legislature. He had searched the debates of the Legislature of that period, and the history of those times, but he had looked in vain for any traces of such a compact. Sir R. Peel distinctly stated that neither he, nor the Government of which he was a member, had had any communication, direct or indirect, with any one on behalf of the Roman Catholic body, as to the form which his measure should assume, or as to the conditions or terms which were to be imposed. With whom, then, could such compact have been entered into? Not, surely, with the Whig or Liberal party in that House, who were always the advocates of emancipation, and certainly not with the opponents of emancipation. No such terms or conditions could have been imposed; and this was the first time that a most invidious distinction was attempted to be made between the Protestant and Roman Catholic subjects of Her Majesty. As long as the oaths remained as they were settled at that period, the Roman Catholics did not originate any proposal; but now that a proposal had been made by the noble Lord, the head of a Protestant Government, to alter the terms of a Protestant oath, he (Mr. Deasy) hoped the House would see the justice and expediency of acceding to the proposition now made on behalf of the Roman Catholics. There was another passage in the Roman Catholic oath, to the omission of which he thought there could be no reasonable objection; he meant that clause which related to the settlement of property within the realm. That clause was introduced by the Irish Parliament in 1793, obviously with the intention of guarding against the danger of Roman Catholics proposing a repeal of the Act of Settlement, which was passed in the reign of Charles II., and which regulated the distribution of landed property after the convulsion of the civil war. Every one knew that, at that time, there was a real danger of such a proposition. An attempt had been made during the reign of King James to repeal that Act, and that attempt made so deep and lasting an effect upon the minds of the Protestants of Ireland, that the Protestant Legislature, in 1793, thought it necessary to enact a special security against a renewal of it. But, was it necessary in 1857 to retain that security? Was not a repeal of the Act of Settlement as chimerical a danger as a restoration of the House of Stuart? The property which Roman Catholics inherited or had acquired was held by the same tenure, and depended upon the same title and the same laws, as those which guarded the property of any other classes of Her Majesty's subjects. He could not help thinking, therefore, that with respect to that portion of the oath, there would be no objection on the part of any hon. Member to admit the alterations he proposed. There was, however, a clause with regard to which, in all probability, the same unanimity would not prevail. He meant that clause which related to the property of the Established Church. He knew it was said and believed by a great many whose opinions were entitled to great respect, that that clause was inserted by Sir Robert Peel at the time when Parliament passed the Emancipation Act for the purpose of preventing or restricting Roman Catholic Members of that House from proposing or voting for any alteration of the temporalities of the Established Church, and that that was in fact one of the securities provided by the Legislature in 1829 to guard against the dangers which it was supposed would be incurred by admitting Roman Catholic Members into that House. If that were so, he (Mr. Deasy) would be unwilling to ask the House (having obtained an admission into that House by virtue of that Act) to consent to any relaxation of that security. But he had satisfied himself, and he hoped that he should satisfy the House, that no such thing was contemplated either by the statesman who framed that measure or by the Legislature which passed it. In point of fact, that clause, like the other to which he had referred, was adopted from the Act which was passed by the Irish Parliament in 1793, when Roman Catholics were not admissible into Parliament. He had, however, a most authentic record of the views of Sir Robert Peel on that subject, contained in that statesman's memorials recently published. In page 191 of the first volume of those memoirs (published under the editorship of Mr. Cardwell and Lord Mahon) Sir Robert Peel said—

> "I think of the two proposals above mentioned the limitation of Members is much less open to objection than the other, by which the discretion of a Member of Parliament is to be fettered, or rather taken away, on certain and not very intelligible subjects."

And again in page 353,

> "The more I considered the subject the more I was disposed to abandon all thoughts of legislative securities, of imposing restrictions—for instance, on the number of Roman Catholics admissible to Parliament, or of maintaining distinctions of any kind in respect to the capacity for power or the exercise of power, legislative or official, between Protestant and Roman Catholic."

That distinguished statesman was equally explicit in a speech which he made on introducing that measure to the House for the first time. He said—

> "The Bill will, therefore, expressly provide for the admission of the Roman Catholics to seats in the two Houses of Parliament. It has been proposed to limit the numbers so admissible; but I doubt the practicability and expediency of affixing any precise limitation to the numbers. I would admit them, therefore, on the same footing, the same principle of equality, on which we now admit the Dissenter from the Church of England. Another proposal has been made by a right hon. Friend of mine (Mr. Wilmot Horton), made from the best motives, and supported with an ingenuity, ability, and research worthy of the motives and of the character of its author. My right hon. Friend has proposed, with a view to calm the suspicions and fears of those who object to the admission of Roman Catholics to Parliament, that the Roman Catholic Member should be disqualified by law from voting on matters relating directly or indirectly to the interests of the Established Church. There appears to me numerous

and cogent objections to this proposal. In the first place, it is dangerous to establish the precedent of limiting by law the discretion by which the duties and functions of a Member of Parliament are to be exercised. In the second, it is difficult to define beforehand what are the questions which affect the interests of the Church. A question which has no immediate apparent connection with the Church might have a practical bearing upon its welfare ten times more important than another question which might appear directly to concern it. Thirdly, by excluding the Roman Catholic from giving his individual vote you do little to diminish his real influence; if you leave him the power of speaking, of biassing the judgment of others on the question on which he is not himself to vote; and if, by a jealous and distrusting, but ineffectual, precaution, you tempt him to exercise to your prejudice the remaining power of which you cannot or do not propose to deprive him. I believe there is more of real security in confidence than in avowed mistrust and suspicion, unaccompanied by effectual guards. For these reasons, I am unwilling to deprive the Roman Catholic Member of either House of Parliament of any privilege of free discussion and free exercise of judgment which belongs to other Members of the Legislature."—[2 *Hansard*, xx. 757.]

That the oath was so understood by the House of Commons of that day was clear from the speech of Sir Charles Wetherell, who, in the course of the discussion, said—

"Now, Sir, I would wish that some *senior optime* from Oxford, or some senior wrangler from Cambridge, would explain how this Bill is to bind a Roman Catholic in his legislative capacity, in the discharge of his Parliamentary duties. Sir, there are hon. Members in this House, and Protestants too, such as an hon. Member who must be absent from his place on this night through indisposition alone—I mean the hon. Member for Montrose—who think that the revenue of the Church is national property; that it may be dealt with as a State fund, to be distributed by Parliament as Parliament shall think proper; in short, as a sort of strong box or till, into which the Minister may put his hand whenever the public necessities require it. There are other hon. Members, too, such as the hon. Member for Colchester, who think—what that hon. Member candidly acknowledged—that the property of the Church was an encumbrance to her, and that the sooner she was disburdened of it the purer she would become as a religion. Now, suppose the hon. Member for Colchester to rise and move the appropriation of the Church property to other than their present objects, and the hon. Member for Montrose to second that Motion, do you mean to tell me the Catholic would be acting against his Parliamentary oath if he sanctioned such a measure so moved and seconded by Protestants, and probably supported, too, by sixty or seventy other Protestants in this House? Would the Catholic be restricted from supporting that vote by the oath in the Bill? Answer that. Let the casuists from Oxford or Cambridge answer that if they can. I was asked the question; I answered it; and now, in my turn, I ask, I invite, I challenge any man in the House to stand up in his place and answer my question. I ask, do you or do you not, when you give the Roman Catholic legislative power, restrain and restrict him from acting in his legislative capacity as he pleases? Satisfy me that the Roman Catholic, when admitted by this Bill into Parliament, will be restricted and shackled as to his power to injure the Church Establishment, and that the Protestant will still remain free to vote according to his conscience; do that, and I will instantly concede that you will have taken the poison out of the measure under your consideration. But if you will leave to the Roman Catholic this legislative power to injure the Protestant institutions of the State, then, I say, I can never believe any man who tells me that there is no danger to the Church in the admission of Roman Catholics into Parliament."—[2 *Hansard*, xx. 1573.]

Now, no one took up that challenge. Sir R. Peel, who followed Sir Charles Wetherell in the course of that debate, did not express the slightest difference of opinion as to the construction of the oath; and nothing appeared to him (Mr. Deasy) plainer than that these two eminent persons, as well as Parliament generally, did not conceive or intend that this oath should operate in the manner in which it was now understood by others. Even, however, if the oath were provided as a security for the Established Church, he would respectfully ask the friends of that Church, whether it was requisite to retain it any longer, or whether the Establishment had derived any benefit from its existence? The dangers apprehended at the time of the Catholic Emancipation Act had proved altogether visionary. The formidable enemies of the Established Church were not the Roman Catholic Members, who were few in number and weak in influence, and against whom might be arrayed at any moment the religious prejudices of England and of Scotland, which, indeed, they were warned would be aroused by their present proceedings. The really formidable enemies of the Established Church were the hon. Gentlemen who sat on the back benches—the representatives of the English Dissenters, the descendants of the Puritans, the hereditary foes of all religious endowments. These hon. Gentlemen could found newspapers, collect subscriptions, distribute tracts, and set in motion all that machinery of popular agitation by which such striking results had in our day been achieved, and yet from them no security was exacted, and upon them no restrictions were imposed. And he thought that he asked for nothing unreasonable, when he asked the House to admit the Roman Catholic Members on the same terms as Dissenters from the Established Church, and even from Christianity itself. The real security of the Establishment lay in the affection of the people. It would last so long as it was sanctioned by public opinion, and no longer; but, if that opinion should pass over to the side of its enemies, its fall would not be averted by any such safeguard as this. If, however, Parliament intended that this oath should be imposed as a restriction upon the free action of the Roman Catholic Members of the Legislature, then he would say that it was the duty of the House to express that intention in plain unequivocal and unambiguous language to define in distinct terms, so that there could be no misapprehension, the class of subjects to which such a restriction should apply, and the limits within which that restriction was to operate. It was inconsistent with the sanctity of an oath that it should be framed so as to be open to an ambiguous construction. What said the right hon. Gentleman the Member for Oxford University, in the debate upon this subject in 1854?—

> "Our oaths ought to be brief, ought to be simple; they ought to be the same for all; they ought to go directly to the point; they ought to be divested of all needless and useless words, in order that the words we use by solemn sanction in the presence of God may be used with a sense of the presence of God, and in a temper which befits men doing a solemn act. If there are oaths, that is the spirit in which they should be taken; if so taken, oaths ought to be short and simple. They ought, above all, to avoid the use of ambiguous language, which serves to trap consciences."—[3 *Hansard*, cxxxiii. 899.]

He hoped the House would carry out the principles so clearly expressed by the right hon. Gentleman, whose support he trusted he should have on this occasion. He should now show how ambiguous the language of this oath was considered among Catholics to be. The point was much discussed in the House of Commons during 1848, upon which occasion three Roman Catholic Members who took part in that debate expressed three different opinions as to the construction of the oath. The present Duke of Norfolk, then Earl of Arundel and Surrey, and a Member of this House, thought he was precluded by it from voting on any question affecting the temporal interests of the Church. Mr. Sheil considered himself perfectly at liberty to vote for any reasonable reduction in the temporalities of the Church, and for such measures as would reduce them within what he looked upon as the limits requisite for the spiritual wants of the Irish Protestants. Mr. John O'Connell, again, believed that he was at liberty to vote for the complete secularization of the revenues of the Church. Here were three as honourable men as ever sat in the House of Commons, each adopting a different construction of this oath. Now, he would ask, whether such a state of things was befitting the dignity of Parliament, and whether they should allow it to continue? Upon this subject he could enlist in his support a very high authority—a right hon. Gentleman whom he was glad to see in his place on the Treasury bench—the President of the Board of Control (Mr. V. Smith). The right hon. Gentleman thus expressed himself in the debate of 1848, and he (Mr. Deasy) hoped to hear him express himself in similar language that evening—

> "With regard to the Roman Catholic Members, nothing could be more unseemly than the position in which they were put by the oath they were called on to take. The right hon. Gentleman the Master of the Mint (Mr. Sheil), the hon. Member for Limerick, and the noble Lord the Member for Arundel, each following his own view of the oath, put a different construction on it. An hon. Member of that House on another occasion taunted the Roman Catholic Members with the non-observance of their oath. Was it right that such scenes should continue in that House? It was thought that the words in the Roman Catholic oath gave some security to the Established Church. On looking over the debates in *Hansard* at the time of the passing of the Emancipation Act he did not find any one hon. Member stating that he assented to the Bill owing to that security."

This, he thought, furnished a complete answer to the allegation that the Act was assented to owing to the security which the oath afforded to the Established Church, and that therefore it was not now open to Catholics to object to the terms upon which they obtained admission into Parliament. The difference of opinion as to the construction of the oath to which he had alluded was not confined to Members of former Parliaments. It existed still. Upon a recent occasion, when the hon. and learned Member for Enniskillen (Mr. Whiteside) taunted his hon. Friend the Member for Cork (Mr. Fagan) with voting in favour of Mr. Miall's Motion respecting the Irish Church, his hon. Friend replied that he had really abstained from voting, believing himself precluded by the oath from so doing. On the other hand, however, there were Catholic Members who maintained different opinions and acted upon those opinions, considering, notwithstanding the terms of the oath, that they were at perfect liberty to vote as they thought proper upon any question which might be submitted to the House, whether it related to the temporalities of the Established Church or not. Such, also, appeared to be the opinion of

Sir R. Peel and Sir Charles Wetherell; and, seeing that the oath was thus unintelligible and indefinite, and did not state to what extent the restriction, if any were intended, should apply, he thought it the bounden duty of the House either to define precisely the sense in which they imposed it, or, if they could not agree upon that (and he believed it would be impossible to get the present Parliament to agree to any particular construction of the oath), then they ought to do what he now proposed they should do—abrogate the oath, place all hon. Members of this House upon a similar footing, and no longer maintain such "a trap for consciences" and a topic of irritating debate. From all these difficulties there was but one escape—the adoption of an uniform test; and in the words of the right hon. Member for the University of Oxford, he said, "Let it be brief, let it be simple, let it be the same for all." With this view he had taken the liberty of proposing this Amendment. If the Committee should agree to them, there would henceforward be no religious distinctions between the different Members of that House in the exercise of their legislative functions, and in their mode of obtaining admission within its walls. The Jew, the Protestant, and the Catholic would then all stand upon the same footing, and he thought that those hon. Members who were for the admission of Jews into Parliament could not consistently oppose the assimilation of the oaths to be taken by Protestants and Catholics. He trusted that in the remarks which he had addressed to the Committee he had succeeded in avoiding the introduction of all irritating topics, for there was nothing that he should more earnestly deprecate than the revival of religious controversies. And now he appealed to the noble Lord at the head of the Government to avail himself of the present opportunity of settling this question, and settling it satisfactorily. He had an opportunity of doing so which might never occur again. He possessed a power which no Minister of the Crown had for a long time enjoyed; possessing, as he did, the confidence of the great majority of the House, he might succeed now in encountering any difficulties which might be interposed, and he might, by settling this question now, finally, upon a satisfactory basis, add another title to those which he already possessed to the gratitude and the confidence of the country. But whatever decision the noble Lord might come to, he (Mr. Deasy) would appeal to the Members of all parties and of all persuasions in that House, and he would ask them on the score of justice, of policy, and of consistency to adopt the principle which he had propounded, and to sanction the Amendment which he had proposed. If they should concur in doing so, he believed that they would promote the dignity of that House itself, that they would not impair in any appreciable degree the security of the Established Church, and that they would gratify the feelings and indulge the wishes of millions of their fellow-countrymen. The hon. Member concluded by moving his Amendment.

Amendment proposed, in page 2, line 11, to leave out the words "ecclesiastical or spiritual."

VISCOUNT PALMERSTON: I shall endeavour in the few observations which I deem it my duty to make to the Committee, to imitate the temperate tone of the hon. and learned Member who has just sat down; and I hope that those who may take part in the discussion, whether it be long or short, to which his Amendment may lead, will studiously avoid entering into those religious disquisitions which have unfortunately too often and too much envenomed some of our former debates. I should be sorry indeed if the proposition of the hon. and learned Gentleman were to lead to a revival of the Maynooth discussions; for I think the question rests upon broad grounds which render it totally unnecessary for those who may support his Amendment, or for those who may oppose it, to enter into topics which might excite painful feelings in the breast of any hon. Member present. I entirely agree with the hon. and learned Gentleman in the proposition with which he began his speech — that it would be desirable, if practicable, that there should be but one form of oath to be taken by all the hon. Members of this House, and that it is undesirable—that it is an evil that there should be distinctions established between hon. Members by a difference of the form of the oath which they are called upon to take at the table of this House. It is one thing, however, to regret that which happens to be established, and it is another thing to choose the moment and the mode in which an inconvenience should be remedied. I also agree with the hon. and learned Gentleman in this, that, although I think that there is nothing in the Catholic oath which any man of honour, however scrupulous his conscience may be, could reasonably object to take; although I think that there is nothing in the oath which could do violence to the feelings or to the conscience of any man, yet I am ready to agree with the hon. and learned Member that there are parts of that oath, which, if I had the power to frame an oath, and the power of my own will to enforce it, I should certainly not think it necessary to include. But we are now called upon to determine whether we will pass a measure the object of which is to free the oath which is taken by Protestant Members from portions which are repugnant to the common sense of those who take it. We are not now determining whether by so doing we will place Catholics on a footing of equality and uniformity, as the hon. and learned Member represents it, with those who are now excluded; but whether we will, while we relieve Protestants from declarations which are superfluous and unnecessary, at the same time admit into this House a section of our fellow-countrymen who are now suffering under that exclusion from Parliament, to which they have been subjected for so many years, and from which the Roman Catholics have been relieved. The hon. and learned Member, speaking on behalf of the members of his own religious persuasion, and I am sure I can perfectly appreciate his feelings, wishes to couple the measure which I now propose with a proposition which would alter the oath at present taken by Catholic Members, and which would release them from parts of it which they think unnecessary; but I would suggest to the hon. and learned Gentleman, and to those whom he represents, that they ought to consider this as a question of prudence as well as of principle. I do not quarrel with them for the opinions which they entertain, or for their desire to take advantage of this opportunity to carry the change which they wish to accomplish; but I would venture humbly to submit to them that a perseverance in the attempt which the hon. and learned Gentleman is making would necessarily fail to accomplish the purpose which they have in view; or that, if it succeeded in accomplishing that purpose, and in altering the oath in the manner proposed by the hon. and learned Gentleman, such a change would inevitably cause the entire failure of the aggregate measure. The hon. and learned Gentleman says that the oath which is now taken by Catholics was not part of a general arrangement at the time of the Catholic Emancipation Act; and, in support of his opinion, he quotes passages from the letters of the late Sir R. Peel, showing that Sir R. Peel himself did not think that some portions of the oath as it now stands were necessary or desirable. Why, Sir, the stronger the evidence which the hon. and learned Gentleman can produce to show that Sir R. Peel himself did not attach value to what are called the "securities" which that oath contains—the stronger the evidence which he can adduce to show that those portions of the oath to which he objects were not in conformity with the personal opinions of Sir R. Peel, the clearer seems to me to be the inference that the oath as now framed was part of a compact between Sir R. Peel and those who opposed him; because why should he have proposed to Parliament an oath which was inconsistent with his own opinions unless it were thereby to disarm hostility and opposition to the measure which he was endeavouring to carry? We cannot disguise from ourselves, I think, that that oath was considered by many who opposed the measure as a bridge by which they might pass over to its support, or, at all events, as an arrangement which would at least justify them in abstaining from further resistance to it. It was undoubtedly part of an arrangement for the settlement of a great question come to between those who urgently recommended it on the one hand and those who conscientiously and systematically opposed it on the other; and I must say that I think it would be undesirable at the present moment to endeavour to disturb that settlement, because I am quite sure that any measure based upon such an attempt would fail in its passage through the two Houses of Parliament, and that so far from relieving the Catholics from portions of the oath to which they now object we should only insure the total failure of the Bill now before the Committee. I therefore, without entering into a discussion of the particular portions of the oath to which the hon. and learned Member has adverted — placing my opposition to his Amendment upon the broad ground that it is mixing up in one debate two subjects which are different in their nature, and that an attempt to alter the Catholic oath at this time would only end in the failure of the measure which we have now under consideration — contenting myself with resting my objection on that broad ground, I should hope, in the first place, that the hon. and learned Gentleman will not persevere in taking the sense of the Committee upon the question. But if, nevertheless, he feels it to be his duty to do so, I should hope that the Committee will not acquiesce in the Amendment which he has proposed. At the same time, I would add that those who vote against his proposition do not thereby pronounce an opinion that the Catholic oath is exactly and in all respects such as they would wish it to be; for I am sure that there must be many who think with me that there are things undoubtedly in that oath which are unnecessary, but that this is not the time for disturbing the settlement which was made in 1829. I repeat that I am quite satisfied that any attempt to do so would result, not only in the failure of that attempt, but that it would involve in the same failure a measure which I think is deserving of the favour and support of Parliament.

MR. DRUMMOND said, he was disposed to pay more deference to the sentiments of the noble Lord who had just sat down than to those of any other hon. Member in the House; but he must confess that he was somewhat astonished that the noble Lord should reproach the Roman Catholic Members by saying that this was not the fit time for bringing forward the question to which the hon. and learned Gentleman had called the attention of the House. When the noble Lord was stirring up the whole question of oaths, and authoritatively declaring that the great object was to have one oath for all, he could not understand why the noble Lord should think that this was not the time, when the good sense or sound judgment of the Roman Catholic Members would be displayed in bringing forward this question. Did the noble Lord mean to say unless he had stirred up the question of oaths himself that it would be possible for them to bring forward the question at all? It seemed to him that if they let slip this opportunity they would let slip the only opportunity they were likely to have. He should endeavour to imitate the admirable judgment of the hon. and learned Member (Mr. Deasy) as well as the tone and manner in which he had brought forward the question. Still he hoped hon. Members would allow him to tell them a few truths. He was addressing himself specially to those hon. Gentlemen from the north who felt more warmly than wisely, he thought, on this subject. He believed that there was no person in that House who did not put faith in the word and promise of any Roman Catholic Gentleman just as freely as in the word of any Protestant; but the Members of that House were not making an oath merely for hon. Gentlemen whom they knew and liked. They were making an oath for a class which might come hereafter, and the real difficulty of the question was here, for "another king might arise who knew not Joseph," and under him might arise the necessity for very different oaths and opinions. But what did the present oath amount to if the Roman Catholic entertained a mental reservation when he took it? If it were contended that in consequence of their mental reservation the Roman Catholics were not to be trusted, then they should in consistency get rid of all oaths imposed on the Roman Catholics; but they knew, in point of fact, that, notwithstanding the teaching of priests throughout Europe, there was a moral force somewhere or other that set that teaching of the priests at defiance, and that the Roman Catholic Members were as much to be trusted as the Protestant. Then, why not, as Sir Robert Peel said, try the effects of confidence? There was a part of the oath to which he had as strong objections as the hon. and learned Member. He had strong objections to the House presuming to limit anything under the name of "spiritual." They had power over what was "temporal and civil," but what was "spiritual" they could not control. What the House had to do with was the assumption of spiritual power by those priests; and he believed the Roman Catholic gentlemen of England and Ireland would be as strongly opposed to that power as the Protestants, and that none of them would submit to that sort of thing. The Roman Catholic laity should stand up and teach those priests their place—teach them that they had no rights whatever beyond those which the laity possessed, whatever might be their privileges. He thought the proposed Amendment ought to be agreed to, and he thought the time had come when an end should be put to the distinction of oaths now existing, the First Minister of the Crown having himself forced the question on the attention of the House.

MR. STAPLETON said, that he concurred with the hon. and learned Member in thinking that there was much in the old oath of the Roman Catholics which was objectionable, and those objections would become much stronger if this Bill passed. The Roman Catholics would be placed in a false position if they were required to make a declaration which was not called for from any other Member, whether he were a Member of the Church of England, a Dissenter, an Unitarian, a member of the Society of Friends, or even a member of the Jewish persuasion. Therefore he concurred with the hon. and learned Member in his view; and he thought that this was the opportunity for bringing forward this Amendment. But it appeared to him the Amendment was not well framed for carrying out the hon. and learned Member's purpose. The first portion of the oath was one that might be taken by any hon. Gentleman, Protestant or Roman Catholic; but the latter portion of the oath could clearly have no effect, except the effect of preventing Roman Catholics from taking it. It appeared to him, therefore, that the proper course was to move that the latter portion of the oath be omitted altogether. Instead of that, the hon. and learned Member proposed to retain it, but with the alteration of two words. He proposed to strike out the words "ecclesiastical and spiritual," and to insert the words "temporal or civil." The Roman Catholics, in 1829, were allowed to take the oath in the proposed form: but altering the new oath in the mode proposed by implication acknowledged the ecclesiastical and spiritual supremacy of the Pope in this kingdom. He did not see how any Protestant Member of that House could acknowledge it; and therefore he was compelled to vote against the Amendment.

Mr. WALPOLE: Sir, I shall only say a few words on the question now before the House. I shall vote against the Amendment, because I think it cannot be sustained on any tenable ground. I agree entirely with the observation of the right hon. Gentleman the Member for the University of Oxford, quoted by the hon. and learned Member for Cork (Mr. Deasy), that the oath to be taken by Members of this House should be short, simple, and unambiguous; and for that reason I think that, in this respect, there is a great improvement in the oath proposed by the noble Lord at the head of the Government, to be substituted for that now taken; but I think that improvement would not be attained unless you retained in the one oath all the principles which are at present contained in the three. If the Committee will bear with me for a moment I shall explain what I mean by that. There was first, the simple oath of allegiance to the Queen—"I will bear true allegiance to Her Majesty." That oath remained for some time the only oath taken by Members of Parliament. In the course of time there appeared to be a divided allegiance, and the oath of supremacy was then introduced, in order that there might be no mistake on this point—that no foreign prince or potentate, whether lay or ecclesiastical, should have any authority in this realm. Remember, therefore, that the second oath is an oath of undivided allegiance. When you come to the third oath you find that it was introduced in the reign of William III., because attacks on our liberties and our religion had been made, which ended in the abdication of James II. The third oath was then framed and subscribed to, declaring that the undivided allegiance provided by the second should be an allegiance to the heirs of a particular person in a particular line of succession. There are, therefore, three principles in the present oaths—allegiance, undivided allegiance, and allegiance to a particular course of descent. All these principles are in the oath proposed by the noble Lord at the head of the Government, and therefore I shall support the measure as far as it goes. But so far also as it strikes out superfluous words it is likewise an improvement, for the more simple and more short an oath is the more solemn is it likely to be also. But the noble Lord says that he resists the substitution of the words "temporal and civil" for the words "spiritual and ecclesiastical," solely, as I understood, because this is not, in his opinion, the mode in which, or the moment when, a proposal for such an alteration in the oath prescribed for Roman Catholics should be made. Now, there is no doubt that those words which now stand in the oath were, at the time they were put into the oath, intended as a security against any danger to the constitution that might result from the admission of Roman Catholics into this House; yet the only ground on which the noble Lord resists their removal is not that the security should still be maintained, but because this is not the time—this is not the moment for the alteration proposed. The noble Viscount has expressed his hope that there may not be introduced into this discussion any topics which may lead to angry feelings arising from religious differences; but, Sir, unless the words of the noble Viscount are more guarded than they have been, I think they will lead to discussions not friendly to the preservation of that temper which would prevent any manifestation of such feelings as those which the noble Lord refers to. I think that considerable distrust will be felt by the people of this country in the policy of the noble Lord if it be understood that he founds his opposition to an Amendment such as that now before the House merely on the ground that it is brought forward at an inconvenient time. I am, with the noble Lord, opposed to the Amendment, but in the reasons assigned by him as the ground of opposition I cannot at all concur. I believe that the adoption of this Amendment will necessarily provoke religious discussions, and therefore I cannot give it my support.

Viscount PALMERSTON, in explanation, said, the right hon. Gentleman assumed that he had rested his objection to the Amendment simply upon the ground that this was not the time for making or discussing any alteration in the Roman Catholic oath. That was the sole ground upon which he (Lord Palmerston) proposed to the House to discuss and deal with the Motion under consideration, but he said distinctly that it was because he thought that ground broad enough for the present occasion, that he would therefore abstain from entering into any discussion as to the merits of the Roman Catholic oath, some parts of which he believed to be unnecessary, while there were others with regard to which he might entertain a different opinion.

Mr. ROEBUCK said, that in the course of this discussion it has been observed that the qualifications of the oath were, that it should be both simple and short. In his opinion there was another qualification which an oath should contain, and which seemed to have entirely escaped attention—namely, truth. Now, he wished to know whether the oath proposed by the noble Lord was true. The oath declared that no foreign Potentate hath any power, authority, or pre-eminence, ecclesiastical or spiritual, within these realms. Now, was that true? No foreign Potentate had any power over him; but he wished to know—it was useless to hide names—whether the Pope had not power, both ecclesiastical and spiritual, in England. He was called upon in that House, and he had been called upon some twenty times in the course of his life, to swear to an actual lie. It was a fact. There was not a man in that House who did not know that the Pope exercised ecclesiastical and spiritual dominion in this realm. Had not the Pope partitioned this kingdom into bishoprics? Had not Parliament passed a law which was no law—which they dared not enforce—against the authority of the Pope of Rome? They knew that at that hour there were persons in that very city who, under foreign authority—that of the Pope — exercised ecclesiastical dominion therein. Then, with regard to spiritual dominion, it had lately been declared by the Pope of Rome that the doctrine of the Immaculate Conception was to be believed by Roman Catholics, contrary to the religion of this country as established by the State. Was not that belief imposed upon all Roman Catholics in this country? Was not that spiritual dominion? If it were not he (Mr. Roebuck) did not know what was. If, then, he knew that the Pope exercised such dominion, and he was called upon to take an oath declaring that he did not, was not he (Mr. Roebuck) swearing to a lie, knowing it to be a lie? He contended that it was the duty of the House to relieve its Members from lying in this manner, and, as he very much disliked such a formal mode of lying, he would give his vote for the Amendment of the hon. and learned Member for Cork.

Sir FREDERIC THESIGER observed, that his hon. and learned Friend had put a construction upon the oaths which certainly somewhat astonished him, for his hon. and learned Friend had said he considered that any person taking the oaths would swear to a lie, his hon. and learned Friend having himself taken the oaths. He (Sir F. Thesiger) regretted that the slightest asperity should have marked the discussion, for the hon. and learned Member for Cork had advocated his Amendment with a calmness and temper to which no exception could be taken. The only complaint he had to make against the hon. and learned Gentleman was that, having addressed himself to the various objections which, in his opinion, might be urged against the Roman Catholic oath, he had never adverted to the reasons which he thought justified his own Amendment for the omission of the words "ecclesiastical and spiritual." He (Sir F. Thesiger) had hoped that when the noble Lord at the head of the Government rose for the purpose of answering the hon. and learned Member for Cork, he would have explained why he objected to the Amendment. The noble Lord must know perfectly well that the hon. and learned Member for Cork proposed the omission of the words "ecclesiastical and spiritual" in order to render the oath such as Roman Catholics might be enabled to take. For as long as those words remained, it was quite clear that Roman Catholics could not take it. Roman Catholics did not deny "that the Pope hath or ought to have jurisdiction, power, pre-eminence, and authority, ecclesiastical and spiritual, within these realms," and in order to have one form of oath which might be taken by Roman Catholics as well as Protestants, or any other Members of the House, it was necessary to divest the form of the words which the hon. and learned Member proposed to omit, those words involving a recognition of the supremacy of the Crown, which was denied by the Roman Catholics. Let them consider what was involved in that question, which might become a very serious one indeed. His hon. and learned Friend (Mr. Roebuck) contended that it was a lie to say that the Pope had not spiritual jurisdiction within these realms, and in support of his assertion he adverted to the Papal Aggression Act, which was passed some time ago when the Pope endeavoured to parcel out the dominions of the Crown into various ecclesiastical jurisdictions. It appeared to him that his hon. and learned Friend had entirely mistaken the object and effect of the oath, which was introduced in the very first year of the reign of Queen Elizabeth, for the purpose of guarding the supremacy of the Crown,—then declared in the most explicit and authoritative manner,—from invasion or usurpation by any foreign Power. The provisions introduced for the purpose of establishing this supremacy gave a character and construction to the oath which he thought could not be mistaken. The Act distinctly stated that the object of introducing the oath was—

> "To the intent that all usurped and foreign power and authority, spiritual and temporal, may for ever be extinguished and never used in this realm, be it enacted, That no foreign prince, person, &c., shall use, enjoy, or exercise any manner of power, jurisdiction, superiority, authority, pre-eminence, or privilege, spiritual or ecclesiastical, within this realm."

The Act further declared the Queen

> "Supreme Governor, as well on all spiritual and ecclesiastical things or causes as temporal,"

and proceeded to declare, "that no foreign prince,

person, &c., hath or ought to have any jurisdiction, power, &c., ecclesiastical or spiritual within this realm."

This was an explicit declaration of the supremacy of the Crown, which was not then established for the first time, because he might venture to say, upon the highest authority, that that supremacy was an essential part of the constitution of this country from the earliest ages. The declaration was made in order explicitly and authoritatively to prevent invasion or encroachment upon that supremacy on the part of any foreign Power; and following upon that declaration came the oath of supremacy, which delared the Queen the supreme Governor in all spiritual and ecclesiastical as well as in all temporal causes,

> "And that no foreign prince, person, prelate, State, or potentate, hath, or ought to have, any jurisdiction, power, pre-eminence, or authority, ecclesiastical or spiritual, within this realm."

Now, what were the fair understanding and construction of an oath framed in that particular language and at that particular time? Did it mean to declare a fact or to assert a legal right? Did it mean that *de facto* the Pope had no jurisdiction, pre-eminence, or authority, or that by right, and according to the constitution, he had no such power, and that his authority was not a legal authority? So far from his hon. and learned Friend (Mr. Roebuck) having put a correct construction upon this oath, he (Sir F. Thesiger) was happy to be able to relieve his conscience—if it would be relieved—from the painful impression that he had knowingly sworn to a lie, because he believed this oath embodied a truth which was at the very foundation of the constitution, and which was authoritatively declared by an Act passed when the Reformation was consummated in this country, that no foreign prince or prelate, State or potentate, had legally or rightly any authority or jurisdiction, ecclesiastical or spiritual, within this realm. The hon. and learned Gentleman the Member for Cork, without any explanation or reason, proposed to omit the words "ecclesiastical and spiritual;" but he (Sir F. Thesiger) should appeal to the Protestant Members of the Committee, not with the view of exciting any unpleasant religious feeling, but because he regarded the declaration of religious supremacy to be the keystone of that arch upon which rested the Protestant religion in this country,—he should, he repeated, appeal to the Committee to say whether they would be disposed to mutilate the oath, and thereby bring about that which would be but an imperfect recognition of the Queen's supremacy as established by law. That, however, was not the worst. The hon. and learned Gentleman did not merely propose to leave out the words "ecclesiastical and spiritual." That would not answer his purpose; because if the oath were left without these additional words—"ecclesiastical and spiritual"—the remaining words would include all power, jurisdiction, and authority, whether ecclesiastical or spiritual. Accordingly the hon. and learned Gentleman proposed to insert the words "temporal and civil," instead of the words "ecclesiastical and spiritual." Now, let the Committee observe what the effect of that proposition, if it were adopted, would be. By omitting the words "ecclesiastical and spiritual," they would be admitting that Parliament could not maintain the ground which it had assumed at the time of the Reformation. But if, in addition to that, the words "civil and temporal" were allowed to be introduced, and the oath were thus qualified, they would by implication, in setting forth that "no foreign prince, power, or potentate had any civil or temporal power within these realms," virtually be recognising the existence of an ecclesiastical and spiritual authority in these kingdoms upon the part of the Pope; because, in specifying a particular description of authority, they would, in accordance with a well-known rule, be excluding every other. Such was the opinion which had been expressed by that great statesman the late Sir R. Peel, in the year 1849, when it had been proposed by the noble Lord, the Member for the City of London, to introduce the words "temporal and civil" into the oath to be taken by Roman Catholic Members, and to exclude from it the words "ecclesiastical and spiritual." Sir R. Peel upon that occasion, said:—

> "If he were to insert the words 'temporal and civil' he would give rise to the presumption that he recognized the existence, on the part of the Pope of Rome, of a spiritual and ecclesiastical jurisdiction."

He added:—

> "The oath is one to which the Roman Catholics can have no valid or conscientious objection, and which gives us every security which an oath can give that the difference on religious faith would not affect their allegiance to the King or their capacity for civil service."

Those were the words of Sir R. Peel; and he (Sir F. Thesiger) would ask those Protestant Members of that House who were not prepared to abandon the recognition of the complete supremacy of the Crown by omitting the words "ecclesiastical and spiritual," whether they were disposed so far to favour the views of which the hon. and learned Member for Cork was the advocate, as to compromise the question by assenting to the substitution of the words "civil and temporal." The point was one which involved a direct invasion of the supremacy of the Crown, and he must, with very great deference to the noble Lord at the head of the Government, complain that upon such a question he did not refer somewhat more minutely to the importance of its bearing upon that supremacy. Now, taking it for granted that the Protestant Members of that House were not disposed to give up that portion of the oath, let him ask whether there was any reason why the Roman Catholics should demand that the settlement which had taken place in 1829 should in the slightest degree be interfered with? He did not wish to stir up any unpleasant discussion in connection with the subject, but it appeared to him to be perfectly clear that the Roman Catholic oath was intended as one of the securities framed at the time of the passing of the Roman Catholic Relief Act, and one to which, as Sir R. Peel said, "the Roman Catholics could have no valid or conscientious objection." And what did the Roman Catholic archbishops and bishops state in their pastorals after the passing of the Act in question? He believed that their authority in those matters had been disavowed, but, at all events, he thought he was correct in saying that no one had ever heard at the time of the passing of the Act that the slightest objection had been made upon their part to the manner in which the oath was framed, which, as he had shown, was certainly intended as a security against the apprehended aggressions of the Roman Catholic body upon the institutions of the country. The Roman Catholic archbishops and bishops said:—

> "Since we last addressed you a great and beneficial and healing measure has been enacted by the Legislature for your relief. We trust that your feelings on this subject are in unison with our own, and that a steady attachment to the constitution and laws of your country, as well as to the person and Government of your gracious Sovereign, will be manifest in your entire conduct. We united our efforts with those of the laity in seeking to obtain their just rights, and to obtain them without compromising the freedom of the Church."

Now, it was perfectly clear that in 1829 everybody seemed to be satisfied with all that had been done in the way of framing the Roman Catholic Relief Act so as to bring about that tranquillity and give that security which it was intended to afford. At a subsequent period the right hon. Gentleman the President of the Board of Control (Mr. V. Smith) had proposed the adoption of a form of oath adapted, as he thought, to be taken without objection by every hon. Member in that House. The noble Lord the Member for the City of London, commenting upon that proposition:—

> "Declared that it would be unwise to disturb a settlement which had been made, after so many conflicts, and so much consideration, and which, as he understood, the Roman Catholics had supported as a full and complete admission of their claim to sit in Parliament."

Such was the language of the noble Lord the Member for the City of London; but, passing from the noble Lord to the speech of his hon. and learned Friend the Member for Sheffield, he should ask if the circumstances which had occurred since the passing of the Roman Catholic Relief Act, and to which his hon. and learned Friend had adverted, rendered it desirable that any of those securities should be relaxed which had been provided by the Bill of 1829. His hon. and learned Friend had stated that there had been upon the occasion to which he alluded an assumption of ecclesiastical and spiritual, if not of temporal authority upon the part of the Pope in dividing this country into bishoprics and appointing ecclesiastical authorities to preside over them. Now, it was quite true, as his hon. and learned Friend had remarked, that the operation of the measure which had been passed for the purpose of repressing that encroachment upon the authority of the Sovereign of these realms was not perfectly satisfactory. It had, however, had some effect in checking that encroachment, if it had not gone the whole length which his hon. and learned Friend desired. But, be that as it might, he should, at all events, like to know what would be their position if they were to assent to the proposal of the hon. and learned Member for Cork, and to strike out of the oath the words "ecclesiastical and spiritual." If they were to do so, would it not be a moral, if not a legal acknowledgment upon their part that the Pope had been justified in doing all that he had done upon the occasion to which he referred? He had no intention when he rose to address the Committee at such length, but he was most anxious that the question under their notice should be considered in all its important bearing, and it was impossible that the discussion could be left where it stood after the speech of his hon. and learned Friend. He was most decidedly opposed to the Amendment of the hon. and learned Member for Cork, upon the ground, in the first place, that it would interfere with the supremacy of the Crown; in the next place, that it would amount to a virtual admission of the papal supremacy; and, lastly, because it would to some extent operate as a sanction and a justification of the encroachments on the part of the Pope to which he had called the attention of the Committee, and against which they had endeavoured to guard.

Mr. BERESFORD HOPE said, that while professing no particular enthusiasm for the Jews, he felt inclined to look upon their appeal for admission into the Legislature as a matter of dry necessity, and as a mathematical demand of justice. He had hoped that a measure would have been proposed by the noble Lord at the head of the Government which would have for ever sealed up that miserable chapter of religious dissension which reflected so little credit upon that House; but in that hope he had been disappointed, inasmuch as the Bill under their notice had been brought forward in a shape he could not altogether approve. He looked upon the question involved in the Bill in a manner in which it had not been treated by any one else in that House. He looked upon it in a light in which, as a sincere member of the Established Church, he had a right to view it, and he must say that the noble Viscount at the head of the Government had paid a very poor compliment to the Protestants of England in coupling members of the Established Church with Jews and Turks, who might all enter Parliament under one form of oath, while Roman Catholics alone were admitted under another. The new oath, indeed, reminded him of the inscription which was written over the gates of Bandon:—

> "Jew, Turk, infidel or atheist,
> May enter here, but not a Papist."

At the time the Roman Catholic oath was adopted the Roman Catholics themselves were no consenting parties to it. They were forced to take the oath, or not enter Parliament at all. Yet now, when the question had come before Parliament again, and the Roman Catholic Members were invited to be consenting parties to that oath, they were called upon to accept it with the additional sting that the obnoxious portions were to be removed from the residuary oath hereafter to be imposed on the other Members of the House. As such he considered the measure was a retrograde one — a reactionary measure from that Act of Toleration which in 1829, when the principle of religious liberty was imperfectly understood, had been extorted by fear and not conceded from conviction—which was passed from fear that Ireland might break out into rebellion, and not from a sense of the justice due to Ireland; for it was saying that if these Roman Catholics would not take the oath thus *octroyé* to them, they should not enter at all. If through the Bill one or two Jews found their way into the House, it would be at the expense of an injury inflicted upon the consciences of those millions of their fellow-countrymen who are Roman Catholics. The harm the Bill would do, in short, would be greater than the benefit. It was opposed to civil freedom, and to that toleration which, as a churchman, he had at heart. The cause of religious toleration would not be benefited, but rather thrown back by this Bill; and, if it passed, the question would only recur year after year with greater aggravation and acerbity.

MR. G. H. MOORE said, the formidable difference of opinion between the hon. and learned Members for Sheffield and Stamford made a pretty quarrel as it stood, with which it would be utter presumption in him to interfere. But hon. Members should accept it as a warning against being too dogmatic, in their interpretation of the oaths taken by others when they were obliged to resort to such refined casuistry as that of the hon. and learned Gentleman (Sir F. Thesiger) to defend their interpretation of that taken by themselves. The insult and injustic to Roman Catholics of having a special oath imposed upon them affected him lightly. If the Parliament of England declared that Jews and Protestants might record their religious attestation by one common and mutually convenient formula, and that Roman Catholics should take a separate oath, he, as a Roman Catholic, accepted the difference as a distinction. In that case, the only additional favour he should be inclined to ask would be that, when they had discarded the concluding words of the oath, they would permit him the exclusive privilege of making his attestion on "the true faith of a Christian." With regard to retaining the passage about mental reservation as a portion of the Roman Catholic oath, he would say with equal sincerity that if Protestants chose to put upon record that they entertained the suspicions of the good faith and honour of their fellow-Christians, he envied them not the enjoyment of this religious pleasure, and that when the oath was read at the table it was not Roman Catholics who had reason to be ashamed of it. There was nothing more clear than that in a final settlement of the oaths to be taken by hon. Members of that House the meaning and intention of these oaths ought to be set at rest, so that there should be no room for equivocation, and that the sinister intention of saying one thing and meaning another should no longer be imputed to any class of hon. Members. There could be nothing more indecent than that oaths should be so framed—and the noble Lord (Viscount Palmerston) had insinuated that this oath had been expressly so framed—as to bear two significations, so that, while honourable and conscientious men took it in the sense they believed to be true, it was left open to men of coarse and ungenerous minds to impute it to them that they were indifferent to the obligations that they had solemnly promised to fulfil. If he thought it relevant to the question, and had not the matter been already exhausted by the hon. and learned Member opposite (Mr. Deasy) he could prove to the satisfaction of the House—to the satisfaction alike of the most scrupulous and the most inveterate, from the hon. Member for Cork, who drew the line at ministers' money, to the hon. Member for Warwickshire, who would probably carry it to Maynooth—that there was nothing whatever in the Roman Catholic oath which restricted any hon. Member, who took it, in the fair exercise of his legislative functions upon all matters which concerned the interests of the people and the honour of the Crown. The noble Lord said that the oath was a matter of settlement between the two parties. Perhaps that was so; but it was no less true that the Roman Catholics believed that they took the oath in a different sense from that in which it was subsequently declared to be understood by other parties. The same oath, so settled for the Roman Catholic Members, was also appointed to be taken by the students and professors of Maynooth. As it would be absurd to assume that it was the intention of the Legislature that Catholic Priests should swear not to weaken the Protestant religion in the legitimate exercise of the functions of their order, so it would be equally absurd to assume that there was anything in the same oath to restrict the Roman Catholics in that House from the performance of what they believed to be in accordance with the interests of their country. Others, however, thought differently, and so early as 1834 or 1835, Mr. O'Connell moved for the appointment of a Committee of the House to inquire into the meaning of the oath. Adopting this view of the noble Lord, that the oath was a settlement between two parties, there was nothing more clear than that it was invidious to make a settlement the professed intention of which was to clear away all obnoxious matter, and yet at the same time to permit an unseemly misunderstanding as to the meaning of the oath to continue to exist. The noble Lord (Viscount Palmerston) had not the excuse of a weak Government. He was at the head of a Government as strong as that of 1841, and yet he condescended to shifts worthy of the tottering Administration of 1850. The noble Lord undertook to deal with the question in the spirit of a great statesman, but he resorted to the shifts of a petty trickster. He tried to work out religious freedom by pandering to the smallest religious intolerance. He undertook to raise one class of his fellow-subjects, and yet he said he was not able to do so without inflicting humiliation upon another, and then he told them that his Bill would tend to promote some arrangements in another place which the Amendment would set aside. But the noble Lord would find that his Low Church Bishop scheme, like the Durham letter scheme, to which it was analogous in spirit, would lead to similar results, and that while he was getting round Lord Shaftesbury in the other House he would find himself confronted by public opinion. The noble Lord would be taught, as other statesmen had been taught before him, that it was not safe to concentrate the energy of a people who had never found the want of making themselves formidable whenever the occasion required.

Mr. ROEBUCK: When a well-trained actor so simulated a part and imitated truth as to wring from every one the acknowledgment, "How like unto truth it is," people admired the actor and wondered at the simulation, but were not taken in by the attempt. His hon. and learned Friend (Sir F. Thesiger) wondered at the interpretation he had put upon the oath, but he would bring to the recollection of his hon. and learned Friend a circumstance which had occurred within his own knowledge. Did he not recollect a very learned and celebrated advocate who, on being made a Queen's Counsel, sent in his patent, and claimed to take his seat as a bencher without taking this oath? That celebrated Queen's Counsel took the very objection that I have taken to the words of this oath. He said, "I cannot declare that the Pope has no jurisdiction, ecclesiastical or spiritual, in this realm;" and he appealed to the benchers of the Inner Temple to allow him to take his seat as a bencher thereof without taking this oath; and they admitted him. On the election of every Roman Catholic Bishop within this kingdom three names were sent to Rome, and one of them was chosen by the Pope. The person so chosen had power as a bishop in England or in Ireland, and was recognized there. Who, then, could say that the Pope, as a matter of fact, had no ecclesiastical dominion in England? Again, as to spiritual jurisdiction. Transubstantiation was a tenet of the Roman Catholic Church, and if the Pope commanded that doctrine to be believed in by the members of his communion in this country, was not that exercising a spiritual jurisdiction? Did not this oath, then, call on every hon. Member of that House to swear that the Pope had not that which they knew in their hearts that he had. He (Mr. Roebuck) perfectly understood the sneers of the hon. and learned Gentleman—he knew what that meant; but why should they be called on to swear that the Pope had no ecclesiastical and spiritual jurisdiction in these realms when they all knew that he had? In the Roman Catholic oath these words were not used, but "civil and temporal" were substituted for them. Therefore he (Mr. Roebuck) owed a debt of gratitude to the hon. Member for Cork for putting him on the same footing as the Roman Catholic Members. If those hon. Members were not called on to swear this, why should he be? In the name of the truth-loving people of England, in the name of the Gentlemen of that House, he appealed to them not to allow these words to be retained.

Mr. NAPIER said, he wished to remind the Committee and the hon. Member for

Sheffield that he himself had within the last month taken the oath which contained the words to which he had objected, at the table of the House, and in opposition to the opinion of the hon. and learned Member, he begged to deny that any Roman Catholic Bishop had, or ought to have, jurisdiction in Ireland, or that he had any jurisdiction which could lawfully proceed only from the Crown itself. True, the Pope could send over a Bishop there, and the people might accept his offices. But jurisdiction and orders were quite different things, and what rule could a Roman Catholic Bishop enforce which was not in accordance with the law of the land? None whatever. Therefore, no foreign prelate, prince, or potentate had jurisdiction or authority. He had sworn it, and he believed it. The objection of the hon. and learned Member had been taken by two Members of the House of Lords. But Lord Clancarty, and another noble Lord who entertained a similar impression, put it in a different way. Unlike the hon. and learned Member, then, they made their objection before they took the oath, for they came and had his (Mr. Napier's) formal opinion upon it. He (Mr. Napier) had the good fortune to allay their scruples and to completely satisfy them upon the subject, and those noble Lords had since taken the oath as Members of the other House. One word as to the observation which had fallen from his hon. Friend (Mr. Moore) with regard to the meaning of another oath which was said to be taken in the plain and ordinary sense of the words, without equivocation or mental reservation. Now, some minds were so constituted that no language could make it plain to them. But the hon. and learned Member for Cork (Mr. Deasy) understood the language of this oath; the Duke of Norfolk understood it; and Sir R. Peel also understood it. When Mr. O'Connell brought forward his Motion in 1834; what did Sir R. Peel say? He distinctly said that it was a compact morally binding by the Act of 1829, and Mr. O'Connell withdrew his Motion. In 1849 it was debated again. Sir Robert Peel again took the same position, and said that the thing was plain—that it was a solemn compact, plainly understood, for the obvious reason that witnesses were examined who had stated on oath that the apprehensions of Protestants were unfounded; that no attacks were intended to be made on the property of the Church; and that for this they were ready to give security. That security was given, and it stood in the words of the oath. Let hon. Gentlemen, therefore, take it in its plain and ordinary meaning. He must also protest against any attempt to get rid of the Oath of Supremacy. Archdeacon Wilberforce, in a pamphlet which he published in 1854, stated that the Oath of Supremacy was the national sin of England, because it was an embodiment of private judgment, set up against the authority of the Church. And what was that authority? The Bishops and the Papacy. What was our protest? A protest against papal usurpation. We set up our national protest against it, and declared by the Articles of the Church, the Acts of 1846 and 1848, and the oath, as explained by his hon. and learned Friend, that the Pope had not, neither ought to have jurisdiction, pre-eminence, power, or authority, ecclesiastical or spiritual, directly or indirectly, within these realms. He hoped the Committee would stand to these words, for upon them the whole fabric of the constitution might be said to stand.

SIR FREDERIC THESIGER wished to make a slight addition to the statement made by his hon. and learned Friend (Mr. Roebuck). The learned Gentleman to whom his hon. and learned Friend had referred was not, indeed, at the time he objected to the oath, a member of the Roman Catholic Church, although he very shortly afterwards joined that Church. He certainly took objection to the oath in the way described by his hon. and learned Friend. The benchers on the occasion discovered that they were the only society which imposed the oath. They entertained very considerable doubts as to their right to offer the oath to a bencher, and in consequence the objection was allowed and the oath had been discontinued from that time. It was not taken by the learned bencher alluded to, nor had it been taken by any bencher since.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 373; Noes 83: Majority 290.

List of the AYES.

Adair, H. E.
Adams, W. H.
Adderley, C. B.
Adeane, H. J.
Althorp, Visct.
Anderson, Sir J.
Annesley, hon. H.
Antrobus, E.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Ashley, Lord
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, T. G.

Barnard, T.
Bernard, hon. W. S.
Barrow, W. H.
Bathurst, A. A.
Baxter, W. E.
Beach, W. W. B.
Beale, S.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bethell, Sir R.
Black, A.
Blackburn, P.
Blakemore, T. W. B.
Blandford, Marq. of
Bonham-Carter, J.
Booth, Sir R. G.
Bouverie, rt. hn. E. P.
Bouverie, hon. P. P.
Bovill, W.
Bramley-Moore, J.
Brand, hon. H.
Bridges, Sir B. W.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Bruce, Lord E.
Bruen, H.
Buchanan, W.
Buckley, Gen.
Buller, Sir J. Y.
Buller, J. W.
Burghley, Lord
Butler, C. S.
Caird, J.
Cairns, H. M'C.
Calcraft, J. H.
Campbell, R. J. R.
Carden, Sir R. W.
Carnac, Sir J. R.
Cavendish, Lord
Cavendish, hon. C. C.
Cavendish, hon. G.
Cholmeley, Sir M. J.
Clark, J. J.
Clay, J.
Clifford, H. M.
Clive, G.
Cobbett, J. M.
Codrington, Sir W.
Codrington, Gen.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Cooper, E. J.
Coote, Sir C. H.
Coningham, W.
Corry, rt. hon. H. L.
Cowan, C.
Craufurd, E. H. J.
Cross, R. A.
Cubitt, Mr. Ald.
Curzon, Visct.
Dalgleish, R.
Damer, L. D.
Davey, R.
Davie, Sir H. R. F.
Davison, R.
Dering, Sir E. C.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Divett, E.
Dobbs, W. C.
Dod, J. W.
Dodson, J. G.
Du Cane, C.
Dunbar, Sir W.
Duncan, Visct.
Duncombe, hon. A.
Dundas, G.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Ebrington, Visct.
Egerton, W. T.
Egerton, E. C.
Ellice, E.
Elmley, Visct.
Elphinstone, Sir J.
Estcourt, T. H. S.
Euston, Earl of
Evans, T. W.
Ewart, W.
Farquhar, Sir W. M.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Fife, Earl of
Finlay, A. S.
FitzGerald, W. R. S.
Fitzwilliam, hn.C.W.W.
Foljambe, F. J. S.
Forster, Sir G.
Foster, W. O.
Fortescue, hon. F. D.
Freestun, Col.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Garnett, W. J.
Gaskell, J. M.
Gifford, Earl of
Gilpin, Col.
Glover, E. A.
Glyn, G. C.
Glyn, G. G.
Greaves, E.
Greenwood, J.
Grenfell, C. P.
Grenfell, C. W.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grogan, E.
Grosvenor, Lord R.
Grosvenor, Earl
Gurdon, C. B.
Gurney, S.
Hackblock, W.
Haddo, Lord
Hall, Gen.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, R.
Handley, J.
Hanmer, Sir J.
Hardcastle, J. A.
Hardy, G.
Harris, J. D.
Hay, Lord J.
Hayes, Sir E.
Headlam, T. E.
Heathcote, Sir W.
Heathcote, hon. G. H.
Heneage, G. F.
Henley, rt. hon. J. W.
Henniker, Lord
Herbert, H. A.
Herbert, Col.
Hildyard, R. C.
Hill, Lord E.
Hodgson, W. N.
Holford, R. S.
Holland, E.
Hopwood, J. T.
Horsfall, T. B.
Horsman, rt. hon. E.
Hotham, Lord
Hudson, G.
Hutt, W.
Ingham, R.
Jermyn, Earl
Jervoice, Sir J. C.
Johnstone, hon. H. B.
Johnstone, J. J. H.
Johnstone, Sir J.
Keating, H. S.
Kelly, Sir F.
Kerrison, Sir E. C.
King, J. K.
King, E. B.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knatchbull-Hugessen, E
Knightley, R.
Knox, Col.
Labouchere, rt. hon. H.
Langton, W. G.
Langton, H. G.
Laslett, W.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lewis, rt. hn. Sir G. C.
Liddell, hon. H. G.
Lincoln, Earl of
Locke, Jos.
Locke, Jno.
Long, W.
Lopes, Sir M.
Lowe, rt. hon. R.
Luce, T.
Macaulay, K.
Mackie, J.
Mainwaring, T.
Malins, R.
Mangles, R. D.
Mangles, C. E.
Manners, Lord J.
Marjoribanks, D. C.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, Alex.
Maxwell, hon. Col.
Melgund, Visct.
Merry, J.
Miller, T. J.
Miller, S. B.
Mills, A.
Mills, T.
Mitchell, T. A.
Moncreiff, rt. hon. J.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Morris, D.
Mostyn, hon. T. E. M. L.
Mowbray, J. R.
Mullings, J. R.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
Norris, J. T.
North, Col.
North, F.
Ogilvy, Sir J.
Osborne, R.
Ossulston, Lord
Paget, C.
Paget, Lord A.
Pakington, rt. hon. J.
Palk, L.
Palmerston, Visct.
Patten, Col. W.
Paull, H.
Pease, H.
Peel, Sir R.
Pennant, hon. Col.
Pevensey, Visct.
Philips, R. N.
Philipps, J. H.
Pigott, F.
Portman, hon. W. H. B.
Potter, Sir J.
Powell, F. S.
Pryse, E. L.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Rebow, J. G.
Repton, G. W. J.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Robertson, P. F.
Rolt, J.
Russell, Lord J.
Russell, F. C. H.
Rust, J.
Schneider, H. W.
Sclater, G.
Scott, hon. F.
Seymer, H. K.
Seymour, H. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sibthorp, Maj.
Smith, J. A.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Smyth, Col.
Smollett, A.
Somerset, Col.
Somerville, rt. hn. Sir W.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stapleton, J.
Steel, J.

Stephenson, R.
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, C. N.
Sykes, Col. W. H.
Talbot, C. R. M.
Taylor, Col.
Taylor, S. W.
Thesiger, Sir F.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tollemache, J.
Traill, G.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J.
Trueman, C.
Turner, J. A.
Vance, J.
Vane, Lord H.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waddington, H. S.
Walpole, rt. hon. S. H.
Walter, J.
Warre, J. A.
Warren, S.
Watkin, E. W.
Watkins, Col. L.
Weguelin, T. M.
Welby, W. E.
Western, S.
Westhead, J. P. B.
Whatman, J.
White, J.
Whiteside, J.
Wickham, H. W.
Wigram, L. T.
Willcox, B. M'G.
Williams, M.
Williams, Col.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Willoughby, Sir H.
Willoughby, J. P.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Woodd, B. T.
Woods, H.
Worsley, Lord
Wortley, Maj.
Wyld, J.
Wyndham, Gen.
Wynn, Col.
Yorke, hon. E. T.

TELLERS.
Hayter, rt. hon. W. G.
Mulgrave, Earl of

List of the Noes.

Akroyd, E.
Ayrton, A. S.
Bagwell, J.
Bass, M. T.
Beamish, F. B.
Beaumont, W. B.
Bowyer, G.
Brady, J.
Bruce, H. A.
Burke, Sir T. J.
Bury, Visct.
Buxton, C.
Calcutt, F. M.
Christy, S.
Clifford, C. C.
Cogan, W. H. F.
Collins, T.
Corbally, M. E.
Cox, W.
Crawford, R. W.
Crook, J.
Crossley, F.
Denison, hon. W. H. F.
De Vere, S. E.
Drummond, H.
Ellis, hon. L. A.
Elton, Sir A. H.
Ennis, J.
Esmonde, J.
Fagan, W.
French, Col.
Gilpin, C.
Goderich, Visct.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Greer, S. M'C.
Gregory, W. H.
Greville, Col. F.
Hadfield, G.
Hankey, T.
Hassard, M.
Hatchell, J.
Heard, J. I.
Henchy, D. O'C.
Hodgson, K. D.
Hope, A. J. B. B.
Howard, Lord E.
Kirk, W.
Levinge, Sir R.
Lindsay, W. S.
Lygon, hon. F.
Macarthy, A.
M'Cann, J.
MacEvoy, E.
M'Mahon, P.
Magan, W. H.
Maguire, J. F.
Monsell, rt. hon. W.
Moore, G. H.
Neate, C.
Norreys, Sir D. J.
O'Brien, P.
O'Brien, J.
O'Connell, Capt. D.
O'Donaghoe, The
Pechell, Sir G. B.
Pilkington, J.
Platt, J.
Power, N.
Russell, F. W.
Salisbury, E. G.
Scholefield, W.
Somers, J. P.
Sullivan, M.
Tempest, Lord A. V.
Tottenham, C.
Townshend, J.
Trelawny, Sir J. S.
Waldron, L.
Warburton, G. D.
Whitmore, H.
Wyvill, M.

TELLERS.
Deasy, R.
Roebuck, J. A.

Mr. ROEBUCK then moved to insert the words "by law" after the word "spiritual" in the same clause. The hon. and learned Gentleman observed that as no foreign prince, potentate, or prelate had by law any ecclesiastical or spiritual authority in these realms, it would be as well to insert the words "by law" to make the meaning clearer.

Amendment proposed, in the same line, after the word "spiritual," to insert the words "by law."

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 68; Noes 243: Majority 175.

Sir FREDERIC THESIGER then rose to propose the Amendment of which he had given notice—namely, upon page 2, line 12, after the word "realm" to insert the words, "And I do make this promise, renunciation, and declaration, heartily, willingly, and truly, on the true faith of a Christian," and said, that he was sure that he need not solicit from the Committee an attention to the argument which he was about to submit to their consideration commensurate with its importance, more especially since in its terms it was perfectly plain and intelligible. The noble Lord at the head of the Government had proposed a new form of oath as a substitute for those which had been hitherto taken by Members of Parliament, and which in his (Sir F. Thesiger's) opinion was a very considerable improvement on the old form; and so far, therefore, he was disposed to adopt it. But as the noble Lord proposed to abandon a profession of faith which had been taken for 250 years without objection or scruple by the Christian Members of the House, he (Sir F. Thesiger), considering that part of the oath to be vital and essential, desired to retain it, and his Amendment proposed to retain it accordingly. If the times had not sadly changed, he should have anticipated support to his Amendment, not only from the right hon. Gentleman the Member for the University of Oxford (Mr. Gladstone) but even from the noble Lord the Member for London (Lord John Russell), because, in the year 1849, when the noble Lord introduced one of those numerous Bills which he had offered for acceptance for the purpose of admitting the Jews to Parliament, the noble Lord framed an oath for the Christian Members of the House which contained precisely those words which he (Sir F. Thesiger) now proposed to add to the oath of the noble Lord at the head of the Government; and the right hon. Member for the University of Oxford said that he rejoiced at the form of the oath so proposed, and frankly owned that he was glad that the noble Lord had retained those words with respect to all Christian Members; for "considering the solemn duties which they were called upon to perform," the right hon. Gentleman "thought that the noble Lord had acted wisely and well in declining to reduce the high standard which they had fixed for themselves."

Now he (Sir F. Thesiger) could not help feeling that there were many Christian Members of that House who, though they desired to see the Jew admitted to Parliament, yet would be unwilling to renounce the profession of their faith—who would still wish to profess and call themselves Christians, at the same time that they thought that the question of the admission of the Jew to Parliament ought to be discussed and settled as a distinct and separate measure.

In the former discussions upon this subject the advocates of the admission of the Jew to Parliament had used the fallacy which was ordinarily called "begging the question." They had supposed that the native-born Jew had an inherent right to sit in the Legislature, and they had called upon those who were the opponents of that proposition to establish and justify his exclusion. But, in general, when persons supported a long established course of things they had a right to call upon those who were desirous of disturbing it to bring forth their reasons. Those who supported existing institutions had usually nothing to do but to maintain their ground; but it was asserted that there was an exception to that rule in the case of the Jew, because it was alleged that he was excluded merely by the accidental insertion of certain words in an Act of Parliament, which were directed to a totally different object and to other parties; and then they had repeated to them the history of Sir Francis Tresham, of the Treatise on Equivocation, of the Jesuit Garnett, and of the Gunpowder Plot. It was a very great mistake to suppose, however, that those who were opposed to the admission of the Jew to Parliament had ever contended that those words in the Act to which allusion was made were intended at all to be levelled against the Jew, because they were satisfied that at that time there was scarcely one, if there were one, Jew in this country. But, on the other hand, they did think they had a right to contend that by the insertion of those words the strongest proof was given that no person could be a Member of the Legislature unless he held the faith of a Christian. The Legislature had been "hemmed in," if he might use the expression, with Christian ceremonies and Christian observances; the oaths which they were required to take were taken upon the Gospels; they began their daily labours with prayers offered up in that name which only could render them acceptable; they were compelled to observe certain Christian festivals and fasts, and they could turn in no direction without being reminded that they performed all their functions under the sanction and seal of Christianity. It was true that, by legislative interference in other directions, persons were now enabled to take an oath upon any occasion in the form which was most binding upon their consciences; but those words, "on the true faith of a Christian," had remained in the oath of Members of Parliament to testify that they were a Christian Legislature, and that no person who was not a Christian had a right to a seat among them. It seemed to him to be perfectly idle in the presence of any person who was acquainted with history and the position of the Jews in this country, to contend that it was only by the accidental insertion of those words in the Act of Parliament that the Jew was excluded from that House. Banished in the reign of Edward I., and returning to this country after the restoration, they were received, not as citizens, but as aliens. An endeavour was made by William III. to relieve the Jews from an alien duty which was imposed on them in the receipt of customs; but he was compelled by the remonstrance of the merchants to restore that duty in the following year, and it remained upon them for a very considerable time after that period. Again, they all knew, that in the reign of George II., a Bill was introduced for the purpose of enabling Jews to prefer Bills of naturalization without taking the ascrament; but the Act created so much clamour that, although passed, it was repealed the following year. Subsequently, in the year 1836, a measure was introduced into the House, under the direction of Mr. Robert Grant—(the first of that long series of Bills that had been framed for the relief of the Jews) in whose speech we have a description of the disabilities under which they laboured down to that period, from which it appeared that they were excluded from all offices, civil and military, and from all corporations, and from first to last on the ground that they were infidels and aliens. How was it possible, under these circumstances, to seriously maintain that it was by reason of these words, inserted in an Act of James I., "on the true faith of a Christian," that the Jew was prevented from becoming a Member of Parliament? It was clear, therefore, that the *onus* of establishing the right of the Jews to sit in the House of Commons would be upon those who sought to obtain their admission to the Legislature.

The Christian character of the Legislature had been established and continued uninterruptedly down to the present time, and it was necessary for those who thought that persons not Christians should be entitled to the honour of a seat in the House to prove by arguments either that the forms of the House offered no impediment to their admission, or that the time was come when all these distinctions should be swept away. Those who advocated the admission of Jews to Parliament had undertaken the task of offering arguments in support of their views; but, as it appeared to him had never approached the vital part of this question. They had contended, in the first place, that the Jew, as a native-born subject, had an unquestionable right of admission to all the offices and all the authority of the State, but he thought that they were under a misapprehension. That the Jew, like every subject of this realm, was entitled to equality of civil rights no one ever denied; but political power and authority were the creatures of the State, and no one could be entitled to authority but he on whom the State conferred it. No one would deny that it was competent to the State to declare, that no person should be a legislator who was not a Christian; and it would be difficult to dispute that the Legislature had so declared. Well, if that was the relation in which people stood to the Legislature of the country, a person who was not a Christian might complain of his condition and might seek to have it altered, but he could have no antecedent right to what was prohibited by the law of the State. Again, it was said, that the opinion of so large and respectable a constituency as that of the citizens of London, who had returned a Jew to Parliament, should be respected. That was an argument very much of the same character as the one he had just adverted to, and appeared to him to be equally untenable. The citizens of London knew perfectly well, that by law the Jew could not be admitted to take his seat in that House. Nevertheless, they chose to elect one as their representative, and then endeavoured to urge that circumstance, unreasonably, as he submitted, for the purpose of procuring an alteration of the law in his favour. It appeared to him that the citizens would have shown more deference to the institutions of the country if they had first endeavoured in every available manner to change the constitution of that House; but they had no right to elect a person disqualified by law, and then to insist on forcing him into the Legislature by means of an alteration in the oaths. It was a bad example to other constituencies of the country. Another constituency might have a preference to some other disqualified person; they might, in the same way, elect him as their representative, and then peremptorily insist, as the citizens of London had, that we should change the law, in order to secure his admission to that House. The citizens of London had shown that they were determined to pursue a course which he ventured to think perfectly unconstitutional. At the same time, from having chosen a Jew for now a period of ten years as one of their representatives they had probably suggested to the noble Lord at the head of the Government—and the noble Lord might attend to that suggestion in bringing forward his measure on reform—that three Members for the City of London were, by the confession of the electors themselves, quite sufficient.

The other arguments which were usually urged on this subject were something in the nature of arguments *ad hominem*. It was said, that the Jew had been admitted to exercise the elective franchise, and how then could he be refused a seat in the Legislature? [*Cheers.*] He observed from the cheers that some hon. Gentlemen seemed to consider that a powerful and conclusive argument. He, however, begged to submit to their consideration the distinction between a person having an infinitesimal fraction of the right of electing a Christian as a Member of that House, and himself having a seat in the Legislature and being able to make the law. He did not know if the distinction was satisfactory to those hon. Gentlemen who considered the argument a powerful one; if it was not, he was much afraid that anything which he could say would not make the slightest impression on them. Another argument used was of the same nature. It was said, that the Jew had been admitted to be a magistrate, sheriff, and alderman. The Legislature having advanced so far, how, it was asked, could it exclude the Jew from taking part in the framing of those laws which he was permitted to administer? That argument, he was afraid, had been adopted without reflection, for there appeared to be a clear and marked distinction between permitting a person not a Christian to exercise a subordinate office under the law, all his acts and conduct being governed and regulated by that law, and allowing him, on the responsibility of his own conscience alone, to be one of those who should make the laws which were to regulate a Christian community. It had always appeared to him, however, even if the question of admission were put upon the lower ground of citizenship, in contradistinction to the higher ground, which, he was free to admit, pressed upon him so strongly, that there were peculiarities in the Jew and in his relations to the nations among which he dwelt, which rendered him quite unfit to be a member of the national governing assembly. The prophecy pronounced on him so many years ago—"Lo! this people shall dwell alone, and shall not be reckoned among the nations"—had been wonderfully fulfilled in the whole course of their marvellous history. Scattered over the face of the earth, distinguished from the people among whom they dwelt, separated from them by customs, habits, and by the unsocial character of their faith, they had formed no part of the nations among whom they lived, but had always been separate and distinct from them, and must inevitably so remain. He could not help reading to the House an eloquent description of their position, which he found the other day in a work familiar, probably, to most hon. Members of that House:—

> "For where is the other country in the world, and in what quarter of it, which lies so vacant, so thinly occupied, while its proper race are to be seen every where else, they and it divided, a solitary soil and a displaced, distracted population, abounding anywhere rather than in their own land? In that divided state they remain, present in all countries and with a home in none, intermixed and yet separated, and neither amalgamated nor lost, but, like those mountain streams which are said to pass through lakes of another kind of water and keep a native quality to repel commixture, they hold communication without union, and may be traced as rivers without banks in the alien element which surrounds them."

There was something in their habits, in their exclusive character, in the nature of their institutions, and in their very holydays, which appeared to him to incapacitate them for taking a complete part in the councils of a Christian assembly. It seemed to him, therefore, that all these arguments were mere skirmishes outside the barrier of the constitution. Those who contended for the admission of the Jew must either maintain that it was a mistake to suppose that the House of Commons possessed a Christian character, or that the time had arrived for sweeping away all these distinctions. Now, it was impossible to contend for the first proposition, because the very words proposed to be omitted from the oath clearly indicated the Christian character of the House of Commons, and it was therefore necessary for those who advocated the admission of Jews to Parliament to maintain that the time had arrived when the House ought no longer to retain this profession of faith. Upon that ground it was asserted by those who contended for the admission of Jews that the Legislature had nothing whatever to do with religion. It was on that ground that they found the self-styled advocates of civil and religious liberty, the Roman Catholics, and those members of the Established Church who were anxious for the separation of Church and State, united together for the purpose of accomplishing a common end—the destruction of the Establishment—a result towards which this measure would be the first step. He did not mean to assert that all who joined in that combination were of opinion that religion had nothing whatever to do with the councils and business of that House. He had no doubt that many of them agreed in the opinion which had been expressed by Burke on the subject:—

> "Religion is so far, in my opinion, from being out of the duty and province of a Christian magistrate that it is, and it ought to be, not only his care, but the principal thing on his care, because it is one of the great bonds of human society,

and its object the supreme good—the ultimate end and object of man himself."

Dr. Whewell, who, he believed, entertained notions which were accounted liberal, and who was a man of very powerful mind, said,—

> "The tenet of the separation of Church and State divests the nation of its religious character, to which, as we hold, it is its highest business to aspire. We cannot assent to any view which reduces the objects of the State to the low level which represents it as having no concern with anything higher than the gross material interests of the people, the preservation of person and property. The part of Government which attends to them is not polity, only police. A State which has no aims beyond these is only in the first stage of national progress."

The opinions of Dr. Arnold on this subject were well known. The noble Member for the City of London (Lord John Russell) was generally disposed to bow to the high authority of that learned man, but unfortunately upon this question their views differed. Archbishop Whately, who had been a sincere and consistent advocate for the admission of Jews to Parliament, found himself very much perplexed when he considered the case of a person having a seat in an assembly which was called upon to deal with a religion to which such person was hostile; he being at the same time perfectly competent to the transaction of all the other business of the assembly. The most rev. Prelate said that such a case resembled that of a man who had a right to a room in a house, but no right to any other part of the edifice, or that of a person claiming a right to land upon which there was a building, but having no property in the building itself; and the Archbishop observed that the question had never been satisfactorily decided. He (Sir F. Thesiger) contended that a man was incapacitated for a seat in the Legislature by the circumstance that he did not agree with that sanction by which the whole course of legislation ought to be governed and guided. Such was the opinion of the noble Lord (Lord John Russell) himself, for he said:—

> "I shall state more when speaking of the Legislature which he has to dispose of and to control the various interests, ecclesiastical and secular, of the country. Religion ought to influence and control the decision of the Members."

[Lord JOHN RUSSELL: Hear, hear!] If that were so, how was it possible that a person who was an unbeliever in the religion which constituted the sanction of all their proceedings and measures could properly be admitted to any part in the legislation of that House? Hon. Gentlemen who believed that the Legislature had nothing to do with religion would at least admit that it had to do with morality; that communities were established for the purpose of promoting the morality as well as the happiness of the people; and that Christian communities had been in the habit of considering that Christian morality was the best security for the peace and happiness of society. But Christian morality was founded upon Christian faith, and both together constituted Christian religion. If that religion must depend entirely upon the truth of the person and office of the Saviour, how could those who believed that he was an impostor, and who regarded him with derision, consider that they could be called upon to enforce the morality which he inculcated, notwithstanding its sublimity? Would they not rather turn to what was said by them of old time, and choose an inferior standard for themselves? He maintained, therefore, that it was impossible to abandon that bulwark of the constitution — the Christian character of the Legislature of this country. It might be said that his objection was the result of an intolerant and persecuting spirit. ["Hear, hear!"] He supposed he must accept that cheer as an indication that he was regarded by some hon. Members as evincing a disposition to be persecuting and intolerant. But he confessed that in his view they might as justly call it persecution to refuse a man admission to a citadel because he had not the password, as to refuse a man admission to that House because he had not the necessary passport. The words, "upon the true faith of a Christian," were the wedding garment which denoted that a person had a right to sit in that Assembly; and he earnestly entreated hon. Members to give this subject most careful consideration before they abandoned that which for 250 years had consecrated the Legislature to their duties, and before they proclaimed openly either that they had been mistaken in supposing that this was a Christian Assembly, or that they had been taught by the wisdom of the world that it was time such a distinction should be entirely abandoned. He earnestly implored hon. Gentlemen to "hold the profession of their faith without wavering," and to acknowledge that they were performing their important functions under the highest sanction by which their consciences could be enlightened and guided. The hon. and learned Gentleman concluded by moving that the following words be inserted after the word "realm,"—"And I do make this promise, renunciation, abjuration, and declaration, heartily, willingly, and truly, on the true faith of a Christian."

MR. J. BANKS STANHOPE* said, that in seconding the Amendment, as the present appeared to be the last occasion on which they would be called upon to discuss the question of the admission of the Jews to seats in Parliament, he might perhaps be permitted briefly to allude to some of those points which had already been discussed, though with far greater ability than he could command. He objected to the omission of the words "upon the true faith of a Christian," on three grounds. The first, that the Jews had no right or claim to seats in the Legislature; the second, that they ought to be excluded for political reasons, using that term in its widest sense; and the third was, that it was important to maintain the Christian character of the Legislature. The words "upon the true faith of a Christian," when first inserted in the oath, were, he admitted, intended to apply to another party, the Jews not at that time being in England; but when they returned to this country, they did so with the full knowledge that as long as those words were retained, they would be regarded as a marked and peculiar people; and that they could not be placed in the same position as English citizens. If, then, they had no right and no claim to seats in the Legislature, it followed not only that they had no reason to complain of intolerance in excluding them, but that they committed an outrage upon the religious feelings of the country in advancing such a claim. He objected to the admission of the Jews, moreover, because he believed them to be a separate and distinct nation. Their peculiar nationality and individuality of character would always operate to prevent them from amalgamating with any other race, and although they might be useful members of society, loyal subjects, and even brave defenders of the country in which they lived, yet they could never entertain those national and patriotic feelings which are of slow growth, and which animate the breast of the humblest Englishman. Upon the religious part of the question, he fully agreed with what had been so well said by his hon. and learned Friend the Member for Stamford (Sir F. Thesiger.) He thought there was a great difference between the question of admitting the Jews to seats in Parliament, and the questions which were raised in former times, of admitting either Protestants or Roman Catholics; and that the same arguments which were then used, did not fairly apply on the present occasion. Though they might feel that the peculiar opinions professed by Roman Catholics were such as they could not agree with, and though they differed from Protestant Dissenters upon many most important points, yet there was always one great bond of connection between them, one great plea which could always be urged,—that though they differed upon these points, yet the belief in one Saviour, the Redeemer of mankind, was common to them all. He would not detain the House longer, for there were many other gentlemen who would take up the subject in a much more able manner than he could pretend to do. He could not, however, allow this occasion to pass over without expressing shortly and sincerely, he hoped courteously, and he was certain without any feelings of bigotry, the strong objections which he entertained to the admission of Jews to seats in Parliament.

Amendment proposed, in line 12, after the word "Realm," to insert the words "and I do make this promise, renunciation, abjuration, and declaration, heartily, willingly, and truly, on the true faith of a Christian."

MR. SERJEANT KINGLAKE craved that indulgence which was always extended to a Member who addressed the House for the first time, and remarked that the observations which he intended to make, with the exception of a few comments on the speech of the hon. and learned Member for Stamford, would be applied, not to the old-contested point involved in the Jew Bill, but to the new phase of the question opened up by the Amendment before the House. He did not question some of the positions laid down by the hon. and learned Member for Stamford. He did not think we were bound to admit Jews to Parliament because the City of London had thought fit to elect a Jew as one of its representatives, and still less did he found himself upon the argument that we were bound to admit Jews because some of that people were already electors, and entitled to perform other civil duties. He admitted it was perfectly competent for them to exclude from political power any class or denomination of men, and that it might be right to do so if it were necessary for the safety of the State.

It was competent for the State to say, "You shall obey the law, and we will make the law; you shall pay the taxes and we will impose the taxes;" but that was not the question. The question was, whether you ought to trample out the political rights of men without a State necessity. What was the State necessity which had been alleged by the hon. and learned Member for Stamford for the exclusion of the Jews? He had told them that Christianity established a higher standard of morality than any other form of religion, and then, with a fallacy which appeared strange in one so learned and ingenious, he went on to assume that this test "on the true faith of a Christian" had a tendency to give us, as Members, not only persons who called themselves Christians, but good Christians. It was there that all the difference lay. He happened to be locally connected with a part of the country in which a singular sect had established themselves. They were, to all intents and purposes, a Christian sect. Their doctrine was, that our Saviour was Divine, but that He founded a tabernacle, as they term it, in the body of one now living. They professed a faith shocking almost to all who heard it, yet there was not one of them who could not come to the table, and take the oath in the form which the hon. and learned Member for Stamford proposed. Again, the hon. and learned Gentleman, with the view of influencing the debate, had adverted to the prophecy in which the Jews were represented as a people who should not be reckoned among the nations. Was that an argument which ought to be addressed to the House of Commons at the present day, for could they be expected to deal with the question whether Jews were or were not, upon the ground of an ancient prophecy, to be placed under the ban of the world? Approaching the new question opened up by the Amendment before the House, he might venture to say that he differed a little from the hon. and learned Member for Stamford in the historical part of his speech. The hon. and learned Gentleman had told them, that more than 200 years ago the oath was originally framed, and had ever since been used, as a profession of faith. Now, as he read history, the words of asseveration annexed to the oath of abjuration were inserted there for the purpose of testing the sincerity of a particular sect—not the Jews, but the Roman Catholics. The words had continued, and we had them, as it were, adhering to the oath. It was competent to hon. Gentlemen opposite to take advantage of words introduced for another purpose, in order to effect what they believed to be a good object; but did not the Amendment suggest to the House and the country a totally new view of the principles on which certain persons had been admitted to the Legislature? We might, or we might not, have an Established Church—we might, or we might not, apply a religious test to those claiming to sit in Parliament. Those who agreed with him said they would be content to continue the oath with the words, "So help me, God!" avoiding altogether any religious test. Those who took the opposite side of the question said there ought to be a religious test, and yet, having an Established Church, they took no counsel from that Church as to the way in which the religious test should be framed. How was it possible that a state of things so alarming and so inconsistent with the dignity of the Established Church could coexist with the possession of the revenues which it enjoyed? If the words of the hon. and learned Gentleman were accepted, an Unitarian might well say he was a member of the Church established by the State. Surely, if there were one function of a Church more important than another, it was that of determining what test should be applied to those who came to take seats in Parliament, and if the test were determined without counsel of the Church in the manner proposed by the hon. and learned Gentleman, an Unitarian might say they had deliberately settled what should be regarded as the true religion for political purposes, and within that definition he was a member of the Church. In what a position would the Established Church be placed? They would leave it in the enjoyment of its revenues, and decline to take its counsels.

MR. WIGRAM* said, that he was not one of those who regarded this measure with any deep anxiety, so far as it was likely to affect the constitution of that House and the Legislature, because he did not believe that it would practically have any material operation. Whilst the prejudice which for 1,800 years had been entertained towards the descendants of Israel remains what it was, he did not believe that the Christian constituencies of this country would often elect Jews as their representatives, so long as they could find equally fitting Christian candidates. But though he did not regard the measure with much anxiety with reference to its immediate consequences, he looked upon it with serious apprehension as respected its ulterior results. Hitherto, nothing had more honourably marked the character of the English people than their consistent and practical recognition of the value and importance of Christian principles and Christian institutions. In that view it was that Christianity had always been regarded and treated as part and parcel of the law of England. In that view, the constitution of the country had made provision for the dissemination and teaching of Christian principles throughout the land; in that view it had provided places of worship amongst them in which the poor and the rich might join in the worship of God; in that same view it had, conformably with Christian practice, set aside the first day of the week as a day of rest for all classes, and in the same view it was that that House had always been Christian in its profession and principles. Now they were asked to alter this, to make a complete alteration in the Christian character of that House. Let them not forget when they were asked to do this, that all the Christian institutions of the country had in turn been attacked and assailed in former seasons by no friendly hands; and that if Parliament should pass this measure in its present form, it must and would be regarded as a great act of disparagement on the part of Parliament of the value and importance of Christian institutions. They knew how mankind were ever influenced by example, and it was only reasonable to suppose that if such an example was set by Parliament, that example would have its natural effect, and step by step they would have every one of the Christian institutions of the country assailed—and assailed with renewed force—until they were undermined and brought down. Therefore on the issue of the question they were now discussing on the maintenance of the Christian character of Parliament, he most sincerely believed depended the maintenance of those Christian institutions which were their most valuable inheritance, and upon which, under Divine Providence, all the liberty and prosperity and well-being of this nation, as he believed, depended. He said then, that this question was one which deeply affected the best interests of this country. But in supporting the Amendment of his hon. and learned Friend, he was not influenced only by his apprehensions of ulterior results; he believed that his Amendment was in principle right, and on this point he would content himself with stating one consideration, which he thought completely justified the statement that the existing state of the law was consistent with right and justice, and that the alteration proposed by this Bill in its present form, would be opposed to right and justice. By our own constitution the constituencies return representatives to Parliament, and from the necessity of the case, the majority in each constituency imposed upon the minority a representative. But this representative was to represent the whole constituency. Now they should bear in mind that there was not a single constituency in the kingdom in which, if not a majority, there was a very large minority who would strongly object to the election of a Jew as their representative. The question then was—was it consistent with right and justice to permit a majority to impose upon the minority a person who did not even profess those Christian principles which they justly considered essential to guide men's conduct in all the relations of life? He looked at the existing state of the law as a protection rightly given to the minority against a tyrannical and capricious exercise of the power of the majority. If it was reasonable to say that the majority should not elect a minor, or that they should not elect a foreigner, surely it was equally consistent with right and with reason to say, that in choosing the representative for the whole constituency, the majority should not have the right to impose on the minority a representative who did not profess those great principles which they, the minority, recognize as the only true guide for the conduct of man in this world. On a former occasion the noble Lord the Member for London attempted to throw a mist around this question by asking what we should say if lawyers were not permitted to sit as representatives in that House. He accepted the illustration, and he said, if it were proposed to exclude lawyers or to exclude lords, he would try the question by the same rules, if it could be predicated of lawyers or of lords, that a reasonable objection could be taken by a minority of the constituent body against them. If there were anything in their position, principles, profession, or order, that made them unsuitable representatives, he would say in that case, let lawyers and lords share the fate of minors, foreigners, and Jews; and let it not be competent for the majority in any constituency to impose lawyers or lords upon the electoral body as their representative. All he contended for was that the majority should not impose upon the minority a man to whom they objected on a really sound principle—and this was sufficient to show that there was a valid and just reason for maintaining the existing law. It may be quite true, as the hon. Member for Bridgwater (Mr. Kinglake) had said, that they could not make sure that those who took the oaths were sincere Christians; but they took care that they should at all events profess Christianity; they took the best security the case admitted, and practically it did answer its purpose. All the arguments urged in favour of this Bill they had heard in former Sessions; and they really appeared all to resolve themselves into two. First it was said that the bar which existed to the admission of the Jews was of an accidental character. Whether the barrier be accidental or not, if the Jews ought to be excluded, the fact of its being accidental would be no reason for removing it. But nothing could be more false than to represent the barrier as an accident. Why did the words, "on the true faith of a Christian," exist in the oath?—merely because the Parliament of this country had always been Christian. Inasmuch as the Parliament was Christian, it framed the oath in a Christian form. It was a natural fruit and consequence; and it would be as reasonable to say that an oak produced the acorn by accident as to say that it was accident that led a Christian Parliament so to frame its oath as to contain a test of the Christian profession of its Members. The other argument which was always being urged in these discussions was the trite saying that religious belief ought not to bar a man from the enjoyment of civil office. Well, in the general statement of that axiom he concurred, but had it any application to the present case? He thought it had not, and simply for this reason—it was applicable to the case of magistrates, and to ordinary ministerial offices; but he denied its application to the case of representative members. In the case of representatives it would be a mistake and wrong to look at all to the interests of the Members who were to be elected; their duty in this case was to look exclusively to the interest and rights of the constituency whom the Member is to represent. And they were to look, not to the rights and interests of a part only of those constituencies, but they were to look to the rights of the minority as well as the majority; and they ought to require the majority, in the exercise of their powers, to exercise them in a manner consistent with justice, and require them to choose a man who, in respect of age and of character should be qualified to represent the whole constituency. Upon the ground, therefore, of right and justice, he contended that the existing law ought to be maintained. Any innovation or interference with that law would, as he believed, inevitably lead to consequences which the country will have cause to deplore. He would not detain the Committee by entering further into the discussion of a question which had been so often and so fully argued. With reference to the suggestion so freely thrown out—the taunt of bigotry which has been so often cast in the teeth of those who held similar views to his own—he would make only one remark—that those who prefer a charge of that kind would do well to consider whether the imputation which they cast upon those who differed from them did not indicate that they were themselves in precisely that state of mind which they so loudly condemned. He must say that there was no man in the world with whom he would be more content to be called a bigot than Dr. Arnold; for he believed if there was a man whose conduct was guided by large and liberal principles and a regard to what he thought just and right, it was Dr. Arnold; he therefore was perfectly willing to sail in the same boat with that eminent person. The opinons which he entertained on this subject he held to be quite sufficient to clear any man who agreed with him from the charge of bigotry. With one further remark he would conclude. They were asked to sanction a form of oath which omitted the words "on the true faith of a Christian," words which recall feelings of the most solemn kind that could influence man. If the noble Lord wished to admit the Jews, why did he not make a straight road for them to come in? why did he not, leaving the oath as it was for Christian Members, introduce a clause providing that any person elected as a Member of that House, and who, on coming to the table to be sworn, should declare himself to be a Jew, should be at liberty to omit the words "on the true faith of a Christian." That would at least be an intelligible course. He trusted the House would not consent to the omission of words from the oath taken by Members generally, which he was persuaded many Christian Members must think it suitable to retain, as adding solemnity to the oath which he took.

Mr. EVANS said, as a new Member he had been somewhat struck, when the Bill was introduced, at the apparent intention of hon. Gentlemen opposite to oppose the second reading of a Bill in the principle of which they all agreed, and he therefore thought that the hon. and learned Member for Stamford (Sir F. Thesiger) had done wisely in consenting to the second reading, and in proposing to alter the oath in Committee. Consequently, he had come down to the House with considerable anxiety and expectation to hear the hon. and learned Member state the grounds on which he proposed the Amendment now under their consideration. He had expected to hear from the hon. and learned Gentleman some very strong reasons for opposing the Bill introduced by the noble Lord at the head of the Government, for he (Mr. Evans) had all along considered that this was one of the very few subjects on which the argument lay on one side, and to a very small extent on the other. He must say, however, he had been greatly disappointed. It was true the hon. and learned Gentleman had expressed himself with all the force and clearness which invariably characterized his speeches in public; but he had, nevertheless, left the main arguments in the case wholly untouched. He (Mr. Evans) could well understand that if a proposal had been made to admit the Jews to Parliament some 200 years ago the Motion would have been utterly scouted, and that the man who had had the temerity to suggest it would, in all probability, have been sent to the Tower. He also admitted, that the House of Commons had a right to say whom they would admit to seats in that House, and whom they would exclude. They exercised the right of exclusion in the case of the Roman Catholics, until they saw that it would be dangerous longer to insist on that exclusion, and that no public mischief would be likely to arise from their admission. But he should have thought that in this free country and in these times it would hardly have occurred to any man to think of excluding any class of his fellow subjects from political rights on account of their religion, unless there was some great reason of State or some imminent public danger for such a procedure. He contended that it lay on the hon. and learned Gentleman (Sir F. Thesiger) to show that some such State reason or public danger existed in this case. If the hon. and learned Gentleman could show, for example, that the Jews were likely to become a majority in this country, and to attempt to overturn the Established Church or the established religion of the kingdom, the House would in that case do perfectly right to sanction his proposal. But it was absurd to suppose there could be the slightest apprehension of such a result, and the hon. and learned Member for Cambridge University (Mr. Wigram) who supported that proposal had admitted as much. When William III. came to the Throne, various Acts were passed which removed some of the restrictions which pressed heavily on Dissenters; but those Acts did not apply to the Roman Catholics, because at that time a great State necessity and an imminent danger, such as he had alluded to, existed to justify their exclusion. But he thought it would hardly be contended at this day that there was anything in the position or pretensions of the Jews which could warrant the House in following the course of policy which circumstances rendered necessary with respect to Roman Catholics in the reign of that monarch. The hon. and learned Gentleman, when the Bill was introduced, went into a history of the measures for the emancipation of the Jews, and urged that it had all been done on account of a few persons; he allowed that the Jews had for a long time been treated as aliens and foreigners, and that it was only in 1836 that their claims had begun to be recognized, and that measures for their admission to Parliament had always passed the House of Commons. He (Mr. Evans) thought this last circumstance was the strongest argument in favour of the Bill; and as the House of Commons had always hitherto accepted measures of this kind, he hoped the Committee would now follow the same course they had taken before, by making another attempt to do away with this last piece of intolerance, since it was not the fault of that House that such a blot remained upon the constitution of this country.

Mr. WARREN* said, although he could not hope, by anything he could advance, to revive the interest in a discussion which had been already so much exhausted, he trusted, nevertheless, that the Committee would listen to him for a short time as to one who felt a very deep interest in the question at issue, while he endeavoured to express sincerely the convictions he entertained in regard to it. In one respect the measure was presented to them on this occasion in somewhat a new aspect, inasmuch as it was now forced upon their attention, not by any pressure from without, but solely by the weight and power of the Queen's Government. And he must admit, judging from the tone the discussion had taken, that that aspect was an ominous one as regarded the opposition to the Bill. He must, nevertheless, ask the indulgence of the House while he stated his own opinions, and how deeply from his heart and soul he lamented the course which Her Majesty's Government had taken. He well remembered, when the Bill was introduced, the noble Viscount, the leader of that House, and the noble Lord, the Member for London, both stated that they had never heard any arguments brought forward of the least weight against the admission of Jews to seats in that House—that they had heard no arguments worthy of attention as showing that there would be danger to the constitution in their being so admitted. And the noble Lord the Member for the City of London said also that the objections to the measure had much more to do with feeling than argument. But, with every respect for the noble Lord, he would beg leave to ask him, was that not the case with religion itself? Did not religion, after all, depend much more upon faith than upon reason? Was it not a matter that much more intimately concerned the heart than the head of mankind? Had they not been expressly told this by the Divine Author of our faith himself? Therefore he begged leave respectfully to submit to the House that the very existence of such a feeling constituted in itself a strong argument against the Bill. Since, then, feeling could be as right as argument could be sound, both ought to be considered, and Parliament ought no more to entertain any measure that ran counter to the conscientious feelings of the country, than it was justified in adopting any proposition that would not stand the test of argument and reason. The Government had no right to do violence to either the heart or the head of the nation. But he verily believed that this Bill did outrage to the religious feelings of a vast majority of the people of this country; nor did he believe that the sedulous, skilful, and, he might almost say, scientific agitation that had been brought to bear on the subject had had the least effect in changing the feeling of the country, or enlisting it in favour of this measure. He admitted that there did appear a certain apathy existing out of doors on the subject at the present moment, so far as they could gather the state of the public mind, from the absence of numerous petitions against the measure; but he believed that that apathy springs from the conviction, whether well or ill founded the event would show, that such a measure never could become the law of the land. It appeared to him somewhat curious to observe the way in which the friends of this measure dealt with its opponents. At first they said how ridiculous to suppose that it could really affect the Christian character of the Legislature! But when hard pressed by argument—clearly tending to show that it would have that effect, and must necessarily have that effect—then they turned round and told us that the Legislature had no Christian character at all! He (Mr. Warren), however, must insist that it had a Christian character, and moreover, that it would lose that character if this measure should pass into a law. He perceived, and he was sorry for it, that the House throughout this discussion was disinclined to listen to and answer the arguments against the measure, however powerfully they might be urged upon them. [*Cheers.*] He begged pardon, but he was alluding more especially to the powerful arguments which had been advanced by his hon. and learned Friend who introduced the question that evening. And he begged to say that he was prepared to second every word he had uttered, to show that Christianity was absolutely and inextricably interwoven in all the institutions of this land. It had been the great pride and glory of our country that its very vocation—its sublime mission—was to spread Christianity like a radiant tide over the face of the whole earth; and yet, at this moment, what was it that the Legislature was called upon to do? To disturb the very centre of such glorious operations—to poison the very source of our action and power—to derange the very mainspring of our whole social system in all its complex machinery, by formally introducing into the very essence of the Legislature, of the Sovereignty, of a Christian State, a distinctive element of disbelief in that Christianity which was its very foundation, and without which it must crumble away and sink into nothingness. Could anything tend more to check and to paralyze the energies of this country in promoting the cause of civilization throughout the world—the only true pioneer of civilization being Christianity.

What would be the feelings generated in the minds of those who obeyed the sceptre of the Queen of England in distant lands, when told that men who discard all belief in those glorious truths upon which our institutions are based were henceforward to be admitted as Members of our Legislature, and that no law was hereafter to be made for England to which there were not consenting parties who believed, that He whom we regard as the Divine Head of our church—the Author and Finisher of our faith—was simply a crucified impostor? And beyond those who were governed by the sceptre of England, what would be the effect upon foreign nations which were influenced and guided by this country in the development of their social and moral systems? It would be said by those countries, and by all classes abroad, that legislation from such a source must bear upon it a cancerous taint, or that it was altogether a matter of indifference with us whether religion had or had not any bearing upon our legislation—that it was of no consequence with us whether our legislation be Christian in its character or not; and the result would be, in this country, to produce a deadly indifference to the principles of Christianity as applied to the greatest relations of life, which would go far to dissolve the elements of our social system. If it be asked—how is it that this is a Christian Legislature? he answered, first of all, that every Member who entered that House, by the oath he took, or rather by the words which the noble Viscount now proposed to admit, was estopped from denying it, and pledged himself that he is a Christian. ["No, no."] Yes! he either took the oath in that form, or was relieved from it solely because of his conscientious obedience to what he reverently believes the literal command of his Redeemer—"Swear not at all." Therefore he said, that every Member of that House had given to the country at large the only security which it was in its power to exact, or in his power to give, namely, the open profession of his faith as a Christian—that he will exercise his functions as a legislator in accordance with the doctrines of Christianity, and in conformity with that declaration. That is what he called a Christian Legislature, and what he meant by being a member of a Christian Legislature.

In the celebrated case of *Miller* v. *Salomons*, Lord Wensleydale, then Mr. Baron Parke, made use of these expressions—

> "How can we say that it is a flagrant violation of natural justice and a manifest wrong, that the Legislature should make laws, the effect of which would be to prevent any but Christians becoming Members of the Legislature of a Christian country."

And the right hon. Gentleman, the Member for the University of Oxford (Mr. Gladstone), made use of this frank and remarkable admission in a speech in which he advocated the admission of Jews to Parliament—

> "But I must admit that if we pass this measure to admit the Jews, we must be content for ever to give up the Christian character of the complexion of Parliament."

He (Mr. Warren) submitted that that was an admission which from any statesman would carry weight, but which coming from a man of such high standing was entitled to the greatest consideration. He felt that the words with which he began were peculiarly applicable to the present state of this question—that it was very hard indeed to inspire interest in a cause, in reference to which every one here came to the discussion with a pregone conclusion. At the same time, while he believed the noble Lord (Viscount Palmerston) may very probably have a majority, still their sense of strength should be the source of their forbearance to their opponents. He hoped that every Member who might feel it his duty to offer any remarks upon what he supposed he must call the unpopular side of the question, would receive that attention to forbearance which in his own case he begged gratefully to acknowledge. But, before he sat down, let him say, that however little of interest the subject might excite in that House, and however inadequate, speaking for himself, they might be to deal with it, out of doors it was invested with enormous interest; and thousands of Christians, our fellow-subjects—who believe that in the Christian character of the Legislature was involved that Christian character in all its social relations—were waiting with intense anxiety and interest to learn the arguments which might be advanced to-night against this proposition, and the result to which they might come. He firmly believed that

Providence had raised up this nation to its present altitude, not for its own aggrandizement — any merely temperal purpose that would end with the life of man or the existence of a nation—but for far higher and grander objects; that God had made our strict adherence to the Christian faith in all our national as well as in all our individual acts the title to His guardianship and distinction; and that, on the other hand, the moment we disregarded that sacred duty He had specially imposed upon us, of standing full before the world as an example of Christian faith and light, His protection would be withdrawn, and we may write "Ichabod! the glory is departed!" We might depend upon it that if we abandoned our Christian principles, then, even as the veil was still on the heart of Israel, the sceptre would fall from our hands, and in this chamber of the Legislature, the centre of influence over all the civilized races of mankind, we might see, as was fearfully seen of old, with dismay and consternation, the figure of a hand writing upon the wall, "*Mene;* God hath numbered thy kingdom, and finished it." He did sincerely hope that every Christian Member of that House, who voted in the division that night, would remember not only his own individual responsibility, but the claims of the Christian constituency which sent him to that House.

Sir JOHN PAKINGTON: Sir, often as I have been present in this House during these discussions, I stand in the same position as my hon. and learned Friend who has just sat down, in having never addressed the House on this subject. I now address the House under circumstances which are extremely painful to myself, and which may possibly inflict some pain upon those with whom I am connected by the closest ties of friendship, and with whom I have generally been accustomed to act. Hitherto I have given a silent but not unhesitating vote in support of the principle embodied in the Amendment of my hon. and learned Friend the Member for Stamford, but I have been led by circumstances, into which I need not enter, to give to this subject more study and more anxious reflection than I have yet given to it, and the result is that I cannot conscientiously repeat the vote which I have hitherto given for the excluding the Jews from a seat in this House. Sir, having arrived at this conclusion, I cannot think, considering the position which this question has now assumed, that I am at liberty to shape my vote according to the particular manner in which this question has been brought before us. At the same time, I must say, that I deeply regret the manner in which Her Majesty's Government have brought this subject before the House. I think it desirable to retain the words "on the true faith of a Christian," for those who do not object to them. They give additional solemnity to an oath to which it is most desirable to impart as much solemnity as possible. I am sorry that the Government have decided to change the shape of the oath in that respect, and I think they would have adopted a far wiser course if they had allowed Christians to take the oath and to conclude it with that solemn form of words to which we have been so long accustomed, and had proceeded to effect the emancipation of the Jews by a Bill similar in principle to that by which the Roman Catholics were formerly emancipated, which might have gone direct to its object of admitting the Jews to a seat in this House, while at the same time the Jews, like the Roman Catholics, might have been restricted from holding those higher offices of the State, the holder of which is brought into direct connection with the Established Church. If the Government had adopted this course we should have been spared that scene, and a very painful one it was, which we witnessed to-night, of Roman Catholic Members protesting against being placed in an invidious position in being compelled to stand apart and take a different form of oath from that of other hon. Members. As, however, the Government have decided upon proceeding in this way, and as I have made up my mind that I can no longer conscientiously continue to oppose the admission of the Jews, it only remains for me—and I do it with regret—to support that form of proceeding upon which the Government have decided. I will not detain the House by referring to the higher religious objections to the admission of the Jews to political power. There are still persons who think that by extending political power to the Jews we are acting in opposition to the Divine will, and contravening the direct injunctions of Holy Writ. If this be so, the subject is at an end, and we are not at liberty, as religious men, to enter upon the question. But I am bound to say that my hon. and learned Friend, the Member for Stamford, acting in this question with that perfect fairness and candour which he displays on all questions, has never taken this ground of argument. If I remember aright, he has declared that it is absurd, and worse than absurd, to suppose that we, the poor inhabitants of this lower world, can by any conduct of ours, influence or control the decrees of Providence, or affect that marvellous fulfilment of the prophecies regarding the Jews which constitutes one of the strongest proofs of the truth of our religion. As my hon. and learned Friend has always avoided this subject, I will not advert to it, and there only remains the argument, of which we have heard a good deal to-night, and which has been referred to by my hon. and learned Friend the Member for the University of Cambridge (Mr. Wigram), and the Member for Midhurst (Mr. Warren), that if we admit the Jews to seats in this House, we shall thereby unchristianize the Legislature. In answer to that objection I am prepared to advance two distinct opinions. The first is, that by admitting the Jews we shall not unchristianize the Legislature; and the other is, that in the sense in which that argument is used by the opponents of the claims of the Jews, this House is unchristianized already. Taking the first branch of this argument, I will not altogether trust to a query which I remember to have been put by a right rev. Prelate who was arguing in favour of the admission of the Jews. He said it had been advanced by the opponents of the Jews that if Baron Rothschild took his seat in the House of Commons the Legislature would be unchristianized, and he asked, supposing that in the next Parliament he should lose his seat, and that no other Jews should enter the House, whether the Legislature, which had been unchristianized while he was in the House, would become a Christian Legislature again when he was no longer a member of the House of Commons. That seems to be a *reductio ad absurdum ;* but I will not now dwell upon it—let it be taken for what it is worth. The right rev. Prelate dwelt with more force upon another argument, to which I am disposed to attach more weight—namely, that the true definition of a Christian Legislature is a body of representatives elected by Christian constituencies. If I remember rightly, the noble Lord the Member for the City of London upon a former occasion declared that a representative assembly could only derive its character and its complexion from its constituencies. The true way to preserve a Christian character for the Legislature is to promote religion and Christianity among the people, and so long as we are here the representatives of a Christian land, elected by Christian constituencies, I cannot bring myself to believe that the admission of Jews to seats in this House will deprive this House of the character which it has so long had of being in its best and widest sense a Christian House of Commons. In the sense in which it is said that the admission of the Jews would unchristianize the Legislature, I think the Legislature is unchristianized already. I would not intentionally give offence to any hon. Gentleman, but I think that the true construction and real meaning of those who use this argument in this manner is, that no person ought to be admitted to a seat in this House who does not admit the divinity of the Saviour. This was directly the argument of my hon. and learned Friend this evening. But is it not a notorious fact that there are hon. Gentlemen in this House who belong to the sect of Unitarians, and was it not equally a notorious fact that that sect does not admit the divinity of our Saviour ? Therefore, taking the argument of my hon. and learned Friend in its strictest sense, the unqualified and avowed admission of the Unitarian to this House does, in their acceptation of it, destroy the Christian character of the Legislature. Again, let me remind the House that, although you debar the Jew from a seat, there is no extravagance of religious belief which, provided it be founded on a nominal Christianity, will exclude its professors from Parliament. The hon. and learned Member for Bridgewater (Mr. Kinglake), whom he had the pleasure of hearing to-night for the first time, has already alluded to the establishment of which we have doubtless all read—namely, the Agapemone ; and I ask the House what is there to prevent the Mormonite from taking his seat in this House ? If you look at the creed of the Mormonite you will find that the very first article in it is a professed belief in the Trinity and in the Divinity of the Saviour. The Mormonite would therefore come to your table and take the oath as it now stands. In the sense, then, in which my hon. and learned Friend speaks of maintaining the Christianity of this House I think I have demonstrated that in the first place you now admit those who deny the Divinity of the Saviour, and next that, while you shut out the Jew, the state of your law is such that it would let in the follower of Joseph Smith or the adherent of any other form of belief, no matter how extravagant. If the House were to sanction the view of my hon. Friends near me in regard to the maintenance of the Christian character of Parliament, they ought not to content themselves with retaining a few words accidentally occurring at the end of this oath, but should fairly and explicitly legislate against the Jew in the manner now adopted in one part of Europe, but in one part only as far as I know. In Denmark Proper the Jew is perfectly free to be chosen a member of the Chamber, or to rise to any political office; but in the Duchies of Schleswig and Holstein there is a very strong law against his admission to Parliament. But how is his proscription managed? Not in the indirect and chancework mode resorted to by us, but by express legal enactment, to the effect that no man shall be competent to sit in the Legislature of those Duchies unless he professes the Christian faith. Upon these grounds, then, I cannot concur in the argument which is founded on the fear of unchristianizing the Legislature; nor can I subscribe to that other argument, to which I confess I was at one time disposed to attach more weight, and which has been adverted to to-night,—namely, the nationality of the Jews. The Jew, it is said, is an alien—he is among us, but not of us—he belongs to a separate nation,—in a word, he is not an Englishman, but a man who looks forward to his restoration to another land. Here, again, I hope I shall not be understood as intending to say anything that can give pain to any man; but perhaps we cannot have a stronger illustration of this argument than that presented by the Rothschild family. When that celebrated brotherhood went forth from the gabled house in Frankfort, and one of its members settled in one European capital, and another in another, doubtless they were a peculiar family, hardly belonging to any one nation. But it is impossible to draw a general conclusion from an isolated case of that kind, and to apply that reasoning to an entire section of Her Majesty's subjects, more especially as when once that family become rooted in a country they remain there and acquire property and all the various interests which attach to the residents and citizens of that State. And what is now their position? Is not the Jew a recognized subject of the Queen? Is he not, by general consent, a loyal subject? Does he not pay taxes? Does he not hold property? Do you not permit him to fill every office in the State excepting those which confer political power? Is he not a magistrate and an alderman? Have we not lately seen one of the most respected and most efficient Lord Mayors who ever presided over the City of London in the person of a Jew? Is there anything, then, in the argument based on the nationality of the Jew to justify us in telling him, "You shall have no voice in imposing the taxes which we make you pay, or in constituting the laws which we trust you to administer." I confess that I think there is not. It is said the Jew has no inherent right to political power from the fact of his being born a citizen of this country. I quite admit that; it cannot be contravened: but, on the other hand, though there is no legal right to the possession of political power, I hold that every Englishman has a moral right to all the privileges enjoyed by others who are similarly qualified to himself, unless there is some State necessity to the contrary, and that if you are to debar him from those rights by reason of his religious opinions, you are bound to show that there is something in the nature of his creed which renders the imposition of such a disability imperative. One point, which has been but little adverted to in this debate, cannot, I think, be wholly excluded from our consideration: I mean the state of the law on this subject in the other Christian nations of Europe, some of which are in the enjoyment of constitutional government. What do we find to be the political condition of the Jews in other parts of Europe? I have already told you that in the Danish monarchy the Jew is perfectly free to sit, if elected, in the Representative Chamber, and to enjoy political power. In France the Jew is in the same position: and observe, I refer now to both Roman Catholic and Protestant countries. In France the Jew is free to be elected to the Chamber, and to hold political power. In Belgium he is equally free; in Holland he is equally free; in Prussia he possesses the same privileges. I do not say the British House of Commons is bound to take its rule from the practice of other countries; but it is impossible on such a question not to feel that some weight is due to the fact that the other nations of Europe are dealing with it in a more liberal and generous spirit than we do. I may appeal to very high authorities, not on the other (the Ministerial) side of the House only, but among the statesmen who have been connected with the party to which I myself belong. This, in my opinion, is not a party question, but one on which hon. Gentlemen sitting on both sides, and acting together, may — as is now the case—fairly entertain different sentiments. Among those, however, to whom I have been accustomed to look up with respect in political affairs, I may appeal to the eminent names of Lord Lyndhurst, Sir R. Peel, Lord Ellesmere, Lord George Bentinck, and many other distinguished gentlemen now or formerly connected with the party with which I generally act, all of whom have uniformly advocated the admission of the Jews to seats in this House. But I confess I think this a subject on which a man's own conscience is a better guide than any authority, however venerable. I can only say I have studied this question to the best of my poor ability. I have regarded it in relation to my duty in this House, and in relation also to my duty as a Protestant Christian. I have examined it as a political question, and as a religious question, and the result has been that while, as a matter of feeling and sentiment, I might, perhaps, myself prefer that the Jews should not have seats in this Assembly, I do not think I should be justified in depriving, by any vote of mine, a considerable, a loyal, and a respectable portion of my fellow-subjects, of the enjoyment of the full privileges of the constitution under which they live.

Mr. NAPIER* said, that he too had so far followed the example of his right hon. Friend, that he had over and over again fully considered this subject, and, with all due respect to the judgment of his right hon. Friend, he must say that he had always come to the same conclusion as that at which his right hon. Friend and himself had heretofore arrived. He had endeavoured in every way to divest himself of any party feelings in connection with the subject, because the question was too solemn to admit of the influence of party. Their only object should be to get at the truth of the matter. There was a right principle on either side; and if it were right constitutionally and religiously to admit the Jews, it was most important that we should come to that conclusion. On the other hand, it seemed to him of deep and vital importance to adhere to the Christian constitution of the Legislature. He scarcely knew anything more momentous than the matter they were now discussing. The question they had to consider was, not with what object the words "upon the true faith of a Christian" were originally introduced into the oath, but for what object were they now to be expunged from the oath. And put it as they might, and turn it as they would, it came to this; they had been giving reasons for every part of the oath which they retained and for the exclusion of the part which they had agreed to omit; but when they came down to the solemn words "upon the true faith of a Christian," they said if you retain these words you will exclude those who deny "the true faith of a Christian." And, therefore, you blot them out for the purpose of admitting unbelievers into the Legislature. And then he was told that we are not unchristianizing the Legislature. He had listened with deep anxiety and sincere regret to the views which had been put forward by his right hon. Friend, for as he has changed his opinion, he (Mr. Napier) had supposed that he should hear perhaps the weightiest reasons that could be offered in support of the measure. And what were the arguments of his right hon. Friend? He said "you have unchristianized the Legislature already." And why? "Because," said he, "it is notorious that there are persons in the House who hold peculiar views with which the great body of us do not exactly agree." He might as well have said, get rid of the oath altogether, because private constructions may be put upon it by some minds, and peculiar views of it may be taken by others. But he forgot that there was one broad constitutional exposition of it, and this was the sense in which they must assume it to be taken. He might as well have said, get rid of the words, because by private interpretation we may so far differ as not to put a uniform construction upon them. But the constitution of the country has placed a known construction upon the words "the true faith of a Christian," and it wisely and comprehensively expounded them in all their largeness. An hon. Gentleman opposite, who address- the House in the early part of the evening pressed it as an argument against those who oppose the Bill, that they do not insist upon the special construction of the Established Church. Now he (Mr. Napier) thought that would not be consistent with the spirit of the constitution. They all met together as Christians—as fellow-

Christians. That had been so from the earliest times. Their national Christianity had expanded itself to meet the exigencies of the time, and to embrace all. Now, observe; in the constitution of that House, ought anything to be retained in its essential forms in which they might not all agree? They began their proceedings with prayer. Could the Jew pray with us? The great poet makes the Jew say, "I will neither eat with you nor pray with you." The Jew would not pray with them. Then were they prepared to blot out the form of prayer? Look, again, at their solemn festivals. They kept close solemn festivals which celebrate the great facts of Christianity. They had their Christmas, their Easter, their Whitsuntide recess. These were public festivals. The Church had other festivals that were connected more especially with doctrines. Suppose he came to the Easter festival. If there were Jews in that House, they were bound when they admitted them to treat them with respect and deference. There must be some deference to the private opinions which they knew they held. When they come to their Easter festival, it might be asked—why are you separated? What is the event you are about to celebrate? The crucifixion of our blessed Lord. Well, then, if this custom be continued, what may the Jew say? If the Jew got up and said, "This is an insult to my faith," how were they to meet him? He could then assume the true Christian faith. He must argue it, because between the Jew and the Christian would then be made an open question; and in the absence of any test of the profession of Christianity, which was now exacted from all the Members of the Legislature, how was that objection of the Jew to be met? They would then have introduced into the councils of the State an element of disunion which did not at present exist. And when his right hon. Friend said you do not un-unchristianize the Legislature, he (Mr. Napier) said that if they take away the overruling principles of Christianity, its sacred influence, and its morals, they were setting aside, as the Duke of Wellington once said, "that on which our constitution is based, the Christian dispensation generally." They took it in its largeness,—the great fundamentals on which the Christian world was agreed. Look at the case of the Roman Catholic. He went with them to a certain extent on the facts and the great doctrines of Christianity. They differed in additional matters, with which his Church overlaid these facts and doctrines. Did not they all agree in the Divine authority of the Old and the New Testaments? Did not they all agree in the precepts of the Gospel? He had met here, at prayers, gentlemen of every leading section of the Christian community; Roman Catholics, Presbyterians, and some who he believed belonged to the Unitarian body—they had all joined in the impressive prayers of this House. But the Jew could not do so. Could there be a better test of unity than this joining in common prayer, and asking a blessing on their labours? Well, it was proposed to encroach upon that test of unity. Now, he asked, was there to be such a thing as a Christian State? Was the State to consist merely of a number of individuals casually assembled together, or was it to be an organization? What was to be its principle? Was it to be Christianity? The moment they introduced the Jew, they expelled this principle; and yet he was told this was not unchristianizing the Legislature. Authorities had been referred to. They all appeal to Dr. Arnold. The late Duke of Wellington he had referred to, as entertaining the same views; a man of great practical wisdom. He might mention the name of the late Archdeacon Hare, one of the most candid and conscientious men of his day—a man of rare talent. What were his views? Why, that the admission of the Jews would unchristianize the Legislature. There was another authority not less influential; a man well-known to some Members of this House, Mr. Holmes, the father of the Irish bar, a man of sound judgment, peculiarly distinguished for liberal views, and connected with the liberal party. He told him (Mr. Napier) that he thought it inconsistent with all principle that any man, who was not a professed Christian, should be a Member of a Legislature that had to make laws for a Christian country. Such a man as Mr. Holmes could not be accused of bigotry. There was this principle which could not be got over. The State was the depository of the power and authority of the country; it was invested with supreme sovereignty. Every Member of the House had the power, more or less, over the life, liberty, and property of the people of the realm. Now he (Mr. Napier) asked whether a body which had this sovereignty ought not to be directly responsible to God for the exercise of its powers, and whether they ought not to recognize the Christian faith? Look at the questions connected with the religion of the country, with which they had frequently to deal—the Education Question, for instance—the Sabbath Question—Reformatory Schools—Marriage and Divorce, and other similar matters, which from time to time might engage their attention. Every day they found questions arising which were becoming more and more charged with Christian principles. Then, he asked, ought a man to be admitted a Member of that House, who would not consent to legislate on these questions on a broad Christian foundation? He wished to look at the matter in the largest and the most comprehensive way. He had often been struck with the passage—the House would forgive him for alluding to it—in which the Apostle Paul, speaking of the centre of unity amongst Christians, the love of the Saviour, says—"As many as walk according to this rule, peace be on them." So long as we cluster around that great centre we may find unity, without disturbing special convictions. What was that great centre of our hopes? Our Lord Jesus Christ. What would be the effect of admitting the Jew into this House? He may come here and say, "Here are those who profess to worship, to believe in the person, the offices, the existence of the Messiah. They would not suffer the admission of any one into this House who did not swear allegiance to the Sovereign. They exact allegiance to the Sovereign, the earthly monarch—but could he really think that they believed in Him, as King of Kings and Lord of Lords, when they had expunged all profession of faith with regard to Him?" He (Mr. Napier) would not be so presumptuous as to step forward to execute any punishment on the Jew.

> "Let not this weak and erring hand,
> Presume thy bolts to throw."

He was not to take upon himself to execute punishment on the Jew by helping forward his affliction; his history and his hopes were surrounded with a heavenly grandeur. But why were they still a scattered people? Why, for eighteen hundred years had they been dispersed over the face of the earth? Because of their rejection of the Messiah. Was there no parallel between England under the new dispensation, and the Jews under the old? If they were blotting out these words, which testified in all practical largeness, with a Scriptural latitude, "the true faith of a Christian," as the overruling principle of legislation—if they now deliberately blotted out these words, in order to introduce into the Legislature those who deny the very name of Him whom they believe to be King of Kings and Lord of Lords—was there no warning to us, reading the history and destiny of the Jews? They were to be restored to the Divine favour. But when would that be? When they believed upon Him whom they had rejected. If they desire to benefit the Jews, let them endeavour to hasten that event—let them adhere to the great truths and principles of our holy religion. Let them deal with them generously, as far as they could, and admit them to the exercise of civil privileges as far as they ought to go; but let them not give them authority to make laws for the people, or entrust to them that power for the proper use of which we were ourselves directly responsible to God. Let them deal with them to the utmost in a spirit of kindness and love, but let them as a Christian State adhere, without compromise, to those principles upon which its title to Divine favour depended, and which, with God's blessing, he would to the last moment of his life humbly but heartily defend.

Mr. HORSMAN said, that the opposition to the proposal of the Government had been conducted by four of the most able and eminent lawyers in that House—gentlemen well versed in constitutional law, and yet not one of them had treated the question as a constitutional, a political, or a legal question, but had dealt with it as a simple question of theology. The subject was one which had been so much debated, and the issue was so simple, that he should have thought that it would have been beyond the power of the most ingenious controversialist to impart a new interest or give a new character to the present discussion. The hon. and learned Member for Stamford, however, had endeavoured, by the conduct he had pursued with reference to the second reading of the Bill, and the speech he had made that evening, to place the House in a somewhat new and startling position. The hon. and learned Gentleman had on previous occasions contended for the continuance of the oath as it at present stood, but he was now prepared to abolish that oath, and, while constructing another more suited, as he said, to the times in which they lived, to ask the House of Commons to do in 1857 that which at no period of its history it had ever ventured to do—

namely, by the insertion of special words for the purpose to make religious belief, *quâ* religious belief, without reference to the conduct of the individual, a sufficient justification for deprivation from civil office. The argument of the hon. and learned Gentleman was that, even admitting the right of a Jew to obtain certain privileges, still the State had an equal right to give or to withhold those privileges; but there was no political axiom more sacred than that the State could only deal with a man's opinions in so far as they operated as a rule of conduct and not as a rule of faith, because in the one instance they affected society at large, while in the other they affected only his own conscience as between himself and his Maker. To exclude a man from political privileges, not upon the ground of public conduct, but of private belief, unless that belief encouraged conduct dangerous to the State, was necessarily persecution; and although it was well known that fanaticism had been frequently at the root of English legislation, yet the worst minister in the worst of times had ever been careful to disguise such legislation under the plea of political exigency. Nevertheless, although the challenge had been repeatedly thrown down to them, as he had before said, all those learned Gentlemen who opposed the measure upon the present occasion had abandoned all questions of political necessity and had taken refuge in a question of theology. He could understand the course which had been adopted last year. He could understand the hon. and learned Member for Stamford then saying that there were acknowledged objections to the old oath, but that he advocated its continuance upon special grounds. He could understand him saying that the oath was anomalous, but that he wished to preserve it in order to exclude Jews from Parliament, because the party with which he acted was not strong enough to accomplish that object by other means, and if he consented to its abolition he might not be able to substitute another which would carry out his views. Such a course would have been consistent, and what perhaps, some hon. Gentlemen thought more of, conservative; but the hon. and learned Gentleman had abandoned that course, and now came forward to agree to the abolition of the old oath, and to propose in his character of a reformer for the first time in that House, that Parliament should legislate, not upon a political, but upon a religious basis, and should commit itself to the policy of punishing abstract opinions—a principle for which no precedent could be found in the Legislature of any civilized community. Strange, however, as such a course might be, it was the only one which was left open to the hon. and learned Gentleman, for it was the inevitable result of the anterior proceedings which had taken place with regard to the question. Any one who remembered the discussion of last year upon the same subject would see that if the hon. and learned Gentleman had not adopted such a course he would have been compelled to abandon all opposition to the Bill. Those who disapproved the old oath had found when it came to be analysed in the discussion of last year, that in substance the hon. and learned Gentleman entertained an identity of opinion with themselves. All were then agreed to retain the oath of allegiance to the Queen and to maintain the Protestant succession, and also that the oath of abjuration of the Pretender was unnecessary. Then came the words "on the true faith of a Christian." The hon. and learned Gentleman had then admitted that those words were not originally intended to apply to Jews, and that so far from that having been the case they had been introduced by the professors of one class of Christians as a security against another class. There then appeared to be the anomaly that while the Christians against whom those words were directed were now relieved from the obligation of using them, the Jews, against whom they were never directed, were the only persons at present under its operation. The hon. and learned Gentleman, while he admitted that those words were never intended to be applied to Jews, and that they were not excluded by any special enactment, had said that the reason of that was that the Legislature never contemplated the possibility of Jews being elected to serve in Parliament, and then he added, "But if I admit that the exclusion of Jews, by reason of these words, is accidental, I am entitled to the admission that their non-exclusion by special provision has been accidental also." This rejoinder, though there might appear to be some truth in it, in reality cut the ground from under the feet of the hon. and learned Gentleman, because, if the Jew had been excluded he would have fallen under the operation of the same law which excluded Dissenters and Roman Catholics, not on account of their particular belief, because that was a minor and insignificant question, but because they were beyond the pale of the Established Church. Most unfortunate it was for the Jew that he was not excluded by a special law, because, had he been included in the penalty, he would no doubt have been included in the relief. The cause of the Jew was the same as that of the Dissenter. The Dissenter had year after year to fight the battle of his religious freedom. The same cry was raised as now—that the Church was in danger; but reason and good sense at length prevailed, and the Dissenter won his rights. Then came the battle of the Roman Catholic. Our Protestant monarchy, our Protestant institutions, our Protestant Church were declared to be in danger; and none of them, it was said, would survive the admission of the Roman Catholic to his political rights. This cry was raised honestly by some, but by more it was dishonestly used for party purposes. The hon. and learned Gentleman had said that this oath was the wedding garment of the Constitution; certainly this cry, which had been prostituted to so many purposes, could not be called the cloak of chastity. At length Dissenters and Catholics were admitted to Parliament, and had any of the disastrous consequences which were foretold followed their admission? Had any Roman Catholic proposed to change the Protestant succession? Had any Dissenter moved that the revenues of the Established Church should be appropriated to the payment of the National Debt? Nothing of the kind had occurred. On the contrary, he believed that the result had been to strengthen immensely both the Throne and the religion of these realms. He believed that in the Roman Catholic the Queen would find the best defenders of Her Throne; and, in the Dissenters the best defenders of the national religion. The same cry was, however, now raised against the Jew. The hon. and learned Member for Stamford had, with singular infelicity, reminded the House of the Jew Bill of 1754. In the year 1753 the Government of the day introduced a Bill to relieve Jews who took out letters of naturalization from the obligation to receive the sacrament. It was stated that in the previous reign some Jews had, in order to obtain the privileges of British subjects, received the sacrament, and it was urged by the Government that, although in the Jew who did not acknowledge the sanctity of our sacrament this might be no crime, that in the Christian who compelled him to take the sacrament it was a heinous profanation of a most sacred rite. The party who at that time held the opinions now inherited by the hon. and learned Gentleman and his friends insisted that the Christianity of the country should be saved by the Jews receiving the sacrament, and they used the very arguments to which his hon. Friend behind him had referred as impossible. They said that the Jews were so rich that if once allowed to settle in England they would monopolize the trade of London, would obtain possession of all the land in England, would thus be enabled to return the Members to Parliament, and would ultimately be returned themselves; and then the whole population would be converted, and Christianity would be at an end. Monstrous and preposterous as it might appear, these were the arguments which were used alike by noble Dukes, by the first Commoners of England, and by the Corporation of the City on London, which was heard by counsel. The Bill was passed, but so much were the people of England excited that on the first night of the next Session the Government proposed its repeal, in order to appease the public mind. The concessions made to the Jews from time to time had been resisted by the same cry: "The Church is in danger," and that cry was still raised against them. But we had survived the lesser concessions which had been made. They had been recognised as electors, as magistrates, as municipal officers, and yet the adoption of those measures had been followed by none of the evil consequences which had been foretold. Now, however, the old argument was revived for the hundredth time, and we were told that if Jews were admitted to Parliament the Christianity of the country would receive a blow which it would not survive. This was not a question personal to Baron Rothschild and the Jewish community. It involved a principle to which the honour and character of this country were committed, and upon which the Legislature agreed to the abolition of the disabilities of Roman Catholics and Dissenters—the principle that in matters of belief conscience should be free; and so far from the leaders of the movement of that day recognizing any distinction between Jew and Catholic he was certain that they would have spurned such terms, and would not allow the banner of religious liberty to be inscribed with such a qualification. This question also was one which involved our relations with foreign States. The most despotic Governments of the Continent put our liberality to shame on this question. Hon. Gentlemen frequently appealed to the Minister to obtain protection for Protestants in Austria. To such an appeal Austria might reply, "Look at home. If you, the very enlightened Government of England, are not strong enough to do an act of justice to a handful of harmless Jews, how can you complain that we do not support that Protestant freedom of thought which you yourselves say is fatal to our system?" Admitting, as we now did, that no political danger was to be apprehended from the Jews, that their loyalty was unquestioned, that their morality was unimpeachable, if we still branded them with the deprivation of their civil privileges, merely on account of their faith, we should pursue a course which was inconsistent with our past actions and at variance with our religious professions, and should really do that which was a reproach to us as a Christian Legislature, and degrading to us as a Christian nation.

MR. WHITESIDE*: Sir, I do not in the least complain of the right hon. Gentleman who has just sat down. I think with him, that the question is one of momentous importance. The right hon. Gentleman has criticised with severity the course which my hon. and learned Friend the Member for Stamford (Sir F. Thesiger) has pursued. At the same time, however, he stated that my hon. and learned Friend had taken the only course which was open to him; and if that be so, my hon. and learned Friend could have taken no other, and therefore this criticism is somewhat out of place. I hold that the course taken by my hon. and learned Friend is as judicious as I hope it will be thought by the House wise and discreet; because, while he is willing to omit from the oath whatever is no longer necessary or material to retain, like a true Conservative reformer, he insists on retaining what is vital and fundamental. The right hon. Gentleman said, and it has been assumed by more than one speaker to-night, that the Jew—for I grant it is not the question of Baron Rothschild alone, but a large national question—is excluded from a seat in Parliament by accidental words in an antiquated oath; but that the principles of the constitution are in favour of his admission. Why, judging by the language I have heard in this debate, I begin to think that the constitution of England was founded, not for Christians, but for Jews. Indeed, one would suppose from the speech of the right hon. Gentleman, that whether we looked to antiquity, to the opinions of the great framers of our laws, or of those who laid the foundations of that monarchy under which it is our happiness to live, the principles then asserted were the principles of Judaism and not the principles of an exclusive Christianity. I say there is not a Gentleman in this House who ought not to vote at once against the Amendment of my hon. and learned Friend, if he has arrived at the conclusion that the Jew is only excluded by accidental words in the oath, and not by the laws and jurisprudence of the country from the earliest times, and the practice of the constitution for 1,000 years.

Will the right hon. Gentleman who has just sat down tell me how, or on what principle, the early founders of this state proceeded? My argument against the Jew is this; that Christianity was intertwined with all the institutions of England from the very beginning—that it was connected with the landed property of the country, with the composition of this House of Parliament, with the constitution of the House of Peers, with the Monarchy itself; and I defy a microscopic eye, surveying the stately fabric of our constitution, to detect an opening for the Jew to enter in. Now I have said that Christianity was, from the first, connected with the State. Is that true? An hon. Member who spoke to-night seemed to say that, much that was written in the old time was written unadvisedly; but I say to that hon. Gentleman, the Member for South Derbyshire (Mr. Evans), that when I close the books written by the great men of the time when the original of this oath was framed, I close them sometimes with delight, but always with despair. The capacity of those old writers was great; their knowledge of the constitution profound; their knowledge of the laws of their country has never been equalled; and however their authority may now be departed from, it ought not to be slighted. Then, again, the hon. Gentleman did not urge a very good argument when he said it would be right for Parliament to interpose, if a great number of Jews were likely to be elected, but it would not be right to interpose if only a few Jews were elected. That is certainly a strange mode of ascertaining or applying the true principles of the constitution. I have said that, from the very first, Christianity was connected with the State. In old times, before a man in this country could devise an acre of land to whomsoever he wished, by the ancient common law he had power to set apart a portion of his property for the maintenance of the Christian religion. That, it was said, was done in order that the ministrations of the Church might follow the inhabitant of this Christian country from his cradle to his grave. It has sometimes been asked how bishops found their way into the other House of Parliament. Lord Coke said, that they sat in the Upper House by virtue of their baronies. But Lord Hale says, they sat there in the old Anglo-Saxon times, not by virtue of their baronies, but to defend the Church, and to direct the course of legislation in a Christian land. That was the true ground on which they sat in the other House of Parliament; and that House is older in point of date than this. If I were to pursue this subject in all its ramifications, it would occupy too much of the time of the House. I will come, therefore, to the Crown. The oath taken by Her Majesty is, that She will maintain the true profession of the Gospel. That is the catechism of the constitution, administered to the Sovereign at Her coronation. She is likewise to maintain the Protestant reformed religion. Of course, it is only by acting through her constitutional advisers, her Ministers, that She can carry out this profession. And yet, if the oath were altered, as it is proposed to alter it, the profession of the Christian religion is to be carried out in all departments of the State, though the next prime minister might be Baron Rothschild, whose more illustrious Colleague has already filled that high office. Why, how is it possible for the Sovereign to perform Her duty towards the Christian Church, acting on the advice of a conscientious Jew? I defy the right hon. Gentleman to point me out a single instance at any time, from the earliest period, in which a man who openly avowed his disbelief in Christianity in general, has sat within the walls of Parliament. Let him do so, and I will at once abandon the argument. I will not refer to the statute law on this part of the question, because I should perhaps be told that the statutes were the work of intolerant men. But take the common law from the earliest times; you will find it to hold that whosoever ventures publicly to denounce Christianity, or to write in open denial of the mission of our Saviour, and the fact of His resurrection, to gaol he must go. I do not wish to alarm gentlemen of Baron Rothschild's opinions and persuasion, but this has been the law from time immemorial, that Christianity is intertwined with all the institutions of the State; and it would be absured to lay down the principle that whoever wrote or spoke against Christianity wrote or spoke in subversion of the law, unless the men who write and publish the opinions which Baron Rothschild may be supposed to entertain were liable to the penalties of the law. ["Oh, oh!"] Yes, and it has been the practice for 200 years past. The thing was tested fully on the trial of the publisher of the works of Tom Paine. I beg his pardon—I should say the works of "Mr. Thomas Paine." Here was a clever unbelieving man, an infidel, who had the folly to think, when he sat in the French Assembly, that he could overturn Christianity, set up the Goddess of Reason in its place, and yet not subvert society. The French people cut off the head of their king, and were near cutting off Mr. Paine's head also, which would not perhaps have mattered much. At all events, he had a very narrow escape. Then he wrote a book against the Christian religion. Then he escaped to America. His unhappy publisher was brought to trial, and Mr. Erskine prosecuted him. What a famous specimen of true, masculine, constitutional eloquence was the speech of Erskine on that occasion. It is a speech of which the Whigs may well be proud. He insisted that the defendant ought to be convicted, because he had published a book which denied the New Testament, and openly and daringly impeached the mission and existence of the Being whom we adore; and he said it was impossible to allow such doctrines to be disseminated with impunity in a country whose government and constitution rest for their very foundations upon the truths of the Christian religion.

Such was the language of a distinguished Whig of other days; but Whigs are recreant now. I hope Erskine was sincere in what he said. The speech, at all events, was reported by himself; and there is not extant a more splendid argument in favour of the view I take of this question. What became of the publisher of one of Paine's books? He was convicted, sent to gaol for eighteen months, and sentenced to stand once a month in the pillory. Then Tom Paine published a second volume of ribald attacks upon the Christian religion, and the publisher in that case, too, was tried and imprisoned, because our Judges, Hale—not old Coke, whom you call narrow-minded and intolerant—Kenyon, Ellenborough, and Tenterden, luminous expositors of the common law, one and all say that the law of the country rests on Christianity; and whosoever impeaches Christianity, subverts the law. When Lord Denman was at the bar, he endeavoured to defend Carlisle on his trial, and he defended him in this way. He said, they passed a law in the reign of William III., who was not an intolerant king, that whomsoever by advised speaking impugned the New Testament, should, for the first offence, be deprived of any office under the Crown; and for the second, suffer imprisonment. That, said Mr. Denman, abrogates the common law. No, answered the Judges; it is in confirmation of the common law; that Act was passed to exclude from political power and office any man who avowed his disbelief in the New Testament; the common law guards the morals of the people; the statute was passed to protect the Government and the Crown. And this is the law to the present day. You may disapprove of it; but I have not in the minutest particular mis-stated that law. I have many authorities beside me, but it is impossible even to refer to them at this period of the night. No lawyer, however, on the opposite benches, will venture to deny what I have asserted.

If my hon. and learned Friend the Attorney General had a spare moment from prosecuting the British Bank delinquents, and if Baron Rothschild, of whom I desire to speak with all respect, not so much as a native Englishman as a citizen of the world, were to write deliberately a short exposition of the doctrines he conscientiously holds, and to publish it, my hon. and learned Friend, with his bag full of cases and authorities which Lord Campbell would act upon, might appear in the Queen's Bench and prosecute him. Why? Because every man who impeaches the Christian religion, according to the old Judges, but good lawyers, whom I have mentioned, not only attacks the monarchy, and the constitution, but subverts the law. For Christianity is the law, and the law is Christianity; and we will not suffer either to be impugned. Hon. Members may ask, have you nothing in your books about the Jew? Very little indeed, is my answer; and why should there be much? All our customs and usages—all our principles are directly antagonistic to the principles of the Jew. But something has been written in our law-books concerning the residence of the Jews in this country. Lord Coke and Mr. Barrington both wrote commentaries on the statute *De Judaismo* in the time of Edward I., not for the expulsion of the Jews (Coke says that it was a mistake so to assert, for they banished themselves), but to put down usury. Usury was their business. Yes, and I do not say so disrespectfully. But that is the fact. "The Jews fleeced the nation," says Madox, in his history of the Exchequer, "and the King fleeced them." That explains pretty clearly their position; and it is rather too much for a right hon. Gentleman to attempt to persuade an assembly of Gentlemen well read in the law and constitution of their country, that the Jews had political rights under our system of Government, and that the principles of the constitution were favourable to them. Why, as Mr. Macaulay, once a brilliant ornament of this House, says, it was with some difficulty they could keep their teeth in their heads.

Lord Coke writes, that when our noble King Edward found that it was impossible to put down usury by any moderate measures, he prevailed upon the Parliament to pass a law to put it down altogether. What happened? The "infidel, impious Jews" —these are Lord Coke's own words—to the number of fifteen thousand and three score, then resolved to quit the country. And how did they retire? By getting a safe conduct from the King; and Lord Coke has preserved the writ which was issued to the sheriffs to ensure their safe conduct out of England. "Thus," says he, in conclusion, "we got rid of these infidels, and from that time that nation never returned again into this realm." Now, he was a great lawyer, and his authority will be respected as long as the English language lasts and English laws remain. Yet the right hon. Gentleman opposite wants to persuade the House that the Jews have political rights. Who was it that framed the oath of abjuration in the time of James I.? This same Lord Coke, who has expressed himself so emphatically against Judaism and the Jews, he framed it. And yet it is argued that it could not have been the intent of the framer of that oath to exclude the Jews from the legislature, when I have shown that he thought it right to expel them from the country! And when the matter was discussed in the case of *Miller* v. *Salomons* in the Court of Exchequer, and an attempt was made to convince the Judges that the words in the oath were accidental, and that Lord Coke never meant to exclude the Jews, the answer was, that if the subject had been brought under his notice he would have done more than exclude them from the legislature. The words, "on the true faith of a Christian," are of the substance of the oath, and cannot be separated from it. Could any man translate the oath thus, "I, A. B., on the true faith of a Jew," or "I, A. B., on the true faith of a Mormonite, do promise" so and so? The object of Lord Coke, no doubt, was to meet the case of persons equivocating, though probably the Jesuit in the end has been more than a match for the lawyer. But the same words which he put into that oath the Judges have held to be the exposition of that ancient common law, every line and letter of which is an affirmation of Christianity, and an exclusion of everything antagonistic to it.

I may conclude what I have to say on this part of the question by a passage from the judgment of the late Baron Alderson:—

> "It is, then, contended that the sole object of the legislature in directing this oath to be taken was to affect Roman Catholic subjects of the realm, not to exclude Jews, and therefore that the enactments ought to be so construed as not to apply to them, which would be effected by holding the last words to be a part of the formula of administration only. It is, indeed, true, as a matter of history, that the occasion of prescribing this particular form of words was the danger which Parliament apprehended from a particular class of Christians whose loyalty they doubted, and whose sincerity they suspected, and therefore directed this oath to be taken in a manner which afforded a more perfect test of both, and a superior sanction to one in a less stringent form. But it is a fallacy to argue that, because the immediate object of the legislature was to give a more binding effect to a Christian oath, not to exclude the Jew, and others than Christians, therefore they meant all such to be admitted, and consequently that the terms of the oath ought to be modified so as to carry that object into effect, and to permit all not of the Christian faith to take the oath in a form binding on their conscience; nothing was further from the contemplation of the legislature. The truth is, they never supposed that any but Christians would form a part of either House of Parliament. The possibility that persons of the Jewish persuasion should be Peers, or be elected Members of Parliament, probably entered into their contemplation as little as that of the Mahomedans or Pagans being placed in either category. Both of these are in effect on precisely the same footing in this respect as the Jews, and the argument applies equally to them all."

That is the history of the oath.

I do not think the attention of the House has been sufficiently drawn to the extraordinary course of legislation which has been attempted by the noble Lord, the Member for the City of London, and by the noble Lord at the head of the Government, who sometimes appear in conjunction, and sometimes shine in solitary splendour. It is instructive to contrast the former Bills introduced by these noble Lords on the subject of Jewish disabilities with the present, and to observe the steps by which they have proceeded. Logic and consistency are not at all necessary for the noble Lord at the head of the Government; it is enough for him to have votes. There was logic in the speech of the hon. and learned Member for Cork (Mr. Deasy), but not one word of argument did the noble Lord offer to that speech in reply. He treated the principle of the oath as of no consequence, and contented himself with simply intimating that on some future occasion it might be possible to bring in a measure that would meet the hon. and learned Member's views; just the same as if the matter at issue was nothing more than a turnpike or an inclosure Bill. To the Bill of 1849, I observe the names of the noble Lord the Member for London, and the right hon. Gentleman the Secretary of State for the Home Department (Sir G. Grey) attached. On that occasion the noble Lord began by legislating for all persons not professing the Roman Catholic religion. His Bill provided that they should take an oath declaring that the Pope had not, nor ought to have, civil or temporal jurisdiction, authority, or power within this realm, and concluded with the words, "on the true faith of a Christian." To say that the Pope had no civil or temporal power is what, I presume, nobody would object to—not even Roman Catholic Gentlemen themselves; but, of course the words "on the true faith of a Christian" excluded the Jew. A separate clause in the Bill, however, provided that whenever a person professing the Jewish religion came forward to be sworn, the words "on the true faith of a Christian" should be omitted; but then came the proviso, that nothing in this Act contained shall affect the Roman Catholics, or the oath to be taken by them. Singular enough, the first part of the oath in that Bill might have been taken by Roman Catholics, because it omitted the words "ecclesiastical or spiritual;" yet the Bill provided that nothing therein contained should permit a Roman Catholic to take the oath which he felt he could take. That was the first Bill. What was the second? A valuable Bill—a treasure was this Bill!

The noble Lord, the Member for London, has a tolerable knowledge of the constitution of the country, and his life has been devoted to the consideration of perhaps some of the largest questions that ever occupied the mind of a statesman. When he brought in the second Bill, I will not say that he knew as much then as he does now; though he understood the constitution quite as well. This time, however, he was associated with the noble Lord who is now at the head of the Government, and everybody knows what either of them can do singly; but when combined, the result is great indeed! This Bill was unique in one respect, that it was what it professed to be, which none of the others were. The other Bills were deceptive. This was a Bill, the declared object of which was to remove Jewish disabilities; and its framework was admirable for that purpose. If I were asked to choose between that Bill and the measure now before the House, I should certainly prefer the former. It began by reciting that certain of Her Majesty's subjects professing the Jewish religion were at present unable conscientiously to take the oaths prescribed by law, and it then went on to provide specially for the Jew separately taking an oath of abjuration. But, besides being an enabling, it was also a disabling Bill; and here I answer the right hon. Gentleman by referring him to the recorded opinions of the noble Lord. By that Bill the noble Lord said, that there were certain offices in the State which the Jew ought not to fill consistently with the constitution of the country; and the noble Lord never spoke or wrote a stricter truth than that, and that amongst those offices were those of Regent of the realm, Lord Keeper, Lord Chancellor, and Lord Lieutenant of Ireland. The Bill excluded the Jew from every office connected with the Church of England and Ireland; and from exercising any jurisdiction over the Church of Scotland, and made him indictable for a misdemeanour if, being an adviser of the Crown, he should presume to advise Her Majesty with reference to the appointment of bishops or clergy in that Christian Church which is his abhorrence. That was the Bill of the noble Lord the Member for the City of London, himself a Prime Minister, who has occasionally been inconsistent, and in that measure he had the support of the noble Lord at the head of the Government. What, then, has happened since March, 1853—what change has taken place in the Jewish nation, or in the character of the Jews, which warrants their admission to offices which the noble Lord's Bill then declared none but Christians should fill?—The scene shifts.

The noble Lord the Member for London having cast off the noble Lord at the head of the Government, takes for his adviser the right hon. Baronet the Member for Carlisle (Sir J. Graham), and they together produced the next Bill, which differs very materially from the previous one. This is what I should call a Radical Bill, the other was a Conservative Whig Bill. This is the Bill of one who certainly does not appear to me to have cared very much for the oath of supremacy, or the oath of abjuration, as they existed in former times, and is a more general and sweeping measure than any except the last. It is dated 1854, and it was the first time, in consequence of the communications with the right hon. Baronet the Member for Carlisle, that a measure of this nature had interfered with the settlement of the Catholic Emancipation Act. It did everything that the Roman Catholic Gentlemen in this House could desire. While professing to relieve the Jews, it struck a deadly blow at the securities, as they are called, of the Emancipation Act, and abolished the oath prescribed by the 10th of George the Fourth. And it not only did this; but whilst retaining the words "civil and temporal," it omitted the words "spiritual and ecclesiastical." It did not say, "we object to you Roman Catholics because you believe too much," but "we admit you Jews because you believe nothing."

But one Bill remains, and that is the last, and of course the worst. The noble Lord at the head of the Government having to draw it, went to work curiously enough, and restored to the oath the words which the noble Lord the Member for London and the right hon. Gentleman the

Member for Carlisle had omitted. I suppose that the noble Lord, having escaped from the contagion of the principles of his former colleague the Member for London, fell back upon his ancient Protestantism, and therefore introduced the words which would maintain the Protestant constitution of this Protestant realm. Accordingly I find that the oath now contains the words "ecclesiastical and spiritual," and in that form it is to be taken by a Jew. But there is in this a mockery, an absurdity, a folly inconceivable, to suppose that the words of an oath which, in any sense, could only be rationally put to a Christian, could properly be administered to a Jew, when he despises equally the Pope, the Church of England, and the Church of Rome: he has just the same opinion of one as the other, and therefore the thing is a solemn mockery. But then the noble Lord takes care to omit the clause as to the Roman Catholic Emancipation Act, and re-enacts that Bill. And while the noble Lord is doing this, my hon. and learned Friend the Member for Cork (Mr. Deasy), a lawyer, intelligent, acute, and sly, takes this Bill and compares it with the former one, omits from the present Bill the same words which the noble Lord the Member for London and the right hon. Gentleman the Member for Carlisle omitted from their Bill, and makes a smooth measure of it by his Amendments, which he presents for acceptance to the noble Lord at the head of the Government, who, though he had himself previously introduced a similar measure, now rejects it indignantly on account of the Protestantism of the empire. The noble Lord is full of fire for the maintenance of that Protestantism which he has found so useful to him. He refuses to accept the Amendment, and insists upon making a distinction between the Jew and the Roman Catholic. I have thus described the attempts at legislation on the subject of Jewish disabilities, but I ask the Committee whether it would not be rational and consistent, if you are disposed to legislate for the Jew, that you should deal by him as you have done by the Roman Catholic? There never was such a blunder committed by a statesman as not to adopt that course; for had that been done the Roman Catholics could not complain of having been singled out for a disagreeable isolation, neither could the question have been raised upon the oath as framed by the noble Lord the Member for London, in his first and second Bills.

But while I admit one of the Bills of the noble Lord the Member for London was infinitely less objectionable than the present measure, yet I assert that it rested on a false principle—namely, that the general business of legislation can be safely conducted by excluding from particular offices the Jews, and by a hope or a conjecture that the Jew would not venture in this House to express openly his hatred or contempt of Christianity. A more narrow or mistaken view of the duties of a legislator under this constitution it is impossible to conceive. It is not to do the business of the Stock Exchange that Baron Rothschild should enter this House. It is to aid in the whole government of the empire on a principle in harmony with our laws, our monarchy, our jurisprudence; and that predominating principle of legislation should be a Christian principle. That principle is not to be now asserted, then to be abandoned, now to be forgotten, then to be remembered; it should pervade all our laws, influence all our policy, as it should operate on all our actions. Our domestic administration calls this pervading principle into operation, not every Session, but almost every night of every Session. Our criminal law and jurisprudence, our endowed schools, our colleges, our Universities, our Church, our whole system of popular education, the increase of the Christian religion at home, abroad, in our colonial empire, our peerage, our monarchy, all are to be maintained, conducted, strengthened, and purified by legislation, on Christian principles. Does the Jew come here to make laws to advance Christ's kingdom? He comes here to repudiate, deny, and abjure, in the face of the nation, that Christianity, on which the whole system of our laws, monarchy, and constitution, depends. He cannot aid us, therefore, as a Christian legislator, and, consequently, the more wealthy the more dangerous, the more powerful from his influence and his connections the more mischievous will his Rabbinism make him.

Baron Rothschild would enter this House as a representative in the character of a trustee for this Christian kingdom. He would become clothed with a sacred trust to legislate for the good of that nation of which he is a representative; and for the good of that nation he cannot legislate unless he labour heartily to promote the Christian religion. That trust reposed in the representative embraces the world in its comprehensiveness, in its blessed and unbounded benevolence. That Baron Rothschild cannot believe in the everlasting truth of the Gospel is an overwhelming reason against his legislating for Christian men, who believe that, in exact proportion as the Christian religion is upheld, promoted, and obeyed, individuals and nations become great, free, and happy; and in exact proportion as it is retarded and opposed by unbelieving lawgivers or daring enemies, men and nations become enfeebled, contemptible, and enslaved.

What! are we here debating whether Christianity should be the exclusive religion of the Senate? Fourteen hundred years ago and more, a mighty question was discussed in the Roman Senate, whether the religion of Christ should be professed exclusively to be the religion of that Senate. What a debate! On the one side, Symmachus, the believer in the ancient faith, poured forth his indignant complaints, and urged his views in splendid declamations; on the other side, argued Ambrose, with the sublime eloquence of truth:—

> "Behold," said the believer in the old religion, "what that religion did for Rome. Look back on her wonderful and glorious history, on the conquests she made, the battles she won, the kingdoms she governed. Behold the results of her ancient faith in the splendour of her literature, the genius of her orators, the skill of her generals, the inspiration of her poets, the fame of her philosophers, the felicity of her fortunes. Can the old religion be so bad that has produced such grand results? We cannot forsake the old faith; we cannot embrace your novelties; we do not understand Christianity, but we do not seek to expel it or you from the Senate? Why are you so obstinate? Why so exclusive? Must every senator be a Christian? We make a fair proposal. Let us divide the political power, and pay equal honour to the old faith and to the new. We will place the statue of your Christ beside the statue of our Apollo." — The battles you boast of, Ambrose replied, were won by the valour of the legions, not by the favour of your gods. Your proposal is insulting, for it assumes that Christianity and heathenism are alike to be respected. The question is not what you admire, but what is truth? If Christianity be true, if it be a sublime religion, if it be the hope of the world, if it be inconsistent with your ancient superstition, one or other must be supreme. One system must be acknowledged by the Senate; not two systems, each antagonistic to the other. Therefore, choose between Christ and Jupiter.

The Senate voted that Christianity should thenceforth be exclusively the religion of their body. The temples of voluptuous heathenism were overthrown, the statues of the false gods were shivered, and Christianity became, as it was acknowledged, the religion of the Senate and of the empire. From that epoch the progress of Christianity has been triumphant; retarded it has been, sometimes baffled, sometimes abused, sometimes perverted; but its true mission is to humanize, to civilize, to exalt, to redeem mankind. It is said in our old law-books that the destiny of the Saxon race is to spread Christianity over the earth. Can they realise this grand prediction if they abandon the principle of Government which they have maintained for ages? Their ideas, their institutions, are all drawn from, or dependent on, Christianity. Could they safely combine with them the ideas and institutions of Judaism? The Reformation irradiated the world with the light of truth, but that light was darkness to the Jew. The results of that mighty change produce no impression on his stubborn nature. The belief which satisfied the reason of Newton, of Pascal, of Locke, cannot affect his understanding. The divine song which Milton sang cannot touch his heart. The magnificent composition of Bacon, his Christian's Creed, finds the Jew unmoved. The recommendation of Baron Rothschild to the Senate is, that no amount of evidence, no degree of testimony, not the united judgment of the greatest wits the world ever saw, not the growth of nations under the benign influence of Christianity in morals, humanity, in the practice of truth and justice, in the acquisition of wealth and freedom, not the evidence of his senses, could convince him. Though the sun were darkened, though the earth did quake, though the rocks were rent, though the grave gave back the bodies of saints which slept, to testify to their Creator's triumph over sin and death, unlike the centurion, Baron Rothschild would not believe. Wonderful man! Open wide for him the doors of this Christian Senate. Who so fit to advise a Christian Sovereign?—who so fit to govern a Christian Church!—who so fit to legislate for a Christian State? He comes to triumph over our ancient faith, over our Christian monarchy, over our Christian jurisprudence, and, adding insult to victory, he announces that no man hereafter shall, in his awful presence, utter the words, "on the true faith of a Christian." It was not alone that Baron Rothschild would not adopt these words himself, but no other was to be permitted to do so.

If, indeed, the noble Lord at the head of the Government could economise the public treasure, amend our confused and complicated laws, quicken the course of justice, reform the crying evils of our social system, and lay the foundation of his fame in brilliant and enduring measures, then should I join his flatterers, who exclaim—No such Minister ever has arisen! —no such Minister ever will again arise! But, evading every difficulty, shelving every measure worthy a great capacity to undertake and a great nation to approve, the noble Lord, having reaped a harvest in the field of glory in China, rests his fame on a Bill like this. But as the example of the Senate must influence the nation, when the Senate decides that Christianity is no longer to be preferred, that avowed unbelief is no longer to be excluded, the people may think that what was good for the State—that is, daring unbelief—may be equally so for the subject. Terrible may be the results. We, however, who hold Conservative opinions, cannot abandon our cherished convictions. When an assault is made on the constitution of the country, whether it be an attack on the frame of the constitution in the one House of Parliament, or on the Christian character of the other, it is equally our duty to resist. The Conservative party may be assailed for not yielding to every new wind of doctrine, but in every State which boasts the blessings of freedom and religion, the Conservative must be the true party after all; that is, wherever there is anything to love, to reverence, and to save. The fortunes of the true Conservative are inseparably interwoven with the fortunes of his country. He is jealous of her glory, conservative of her honour as he is conservative of the principles and of the faith which made England free, and of the noble institutions which have kept her happy. Let us, therefore, have some fixed opinions, let us have some unalterable convictions, and let these opinions and convictions teach us to maintain, here and elsewhere—in private, in public, in the closet, in the Senate—to the exclusion, if we can, of fatal unbelief, the supremacy of that faith revealed from above, to establish which in its purest form amongst us, immortal patriots laboured, and blessed martyrs perished.

Lord JOHN RUSSELL: Had it not been for the speech of the hon. and learned Gentleman who has just sat down, I should not have intruded myself upon the patience of the House at this late stage of the discussion. It appeared to me, hearing the debate as it went along, that the arguments used on behalf of the Bill of the noble Lord at the head of the Government were so superior in weight to those urged against it that the House might fairly have been left to come to a decision upon a comparison of the merits of those arguments. But the hon. and learned Gentleman who has just sat down—confounding things that are totally dissimilar, speaking apparently on behalf of principles which we should all approve, but speaking actually on behalf of principles we should nearly all condemn—has placed the question on such a footing that, being anxious for the success of the Bill before the House, I cannot refrain from offering some remarks in opposition to him. I cannot do so, however, without first expressing my satisfaction that, although the hon. and learned Member has expressed his opinions on behalf of the Conservative party, the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) has this night, in a speech replete with reason and argument, shown that he has been convinced that the claims of the Jews can no longer be withheld. I do not mean to go again over the arguments which have been detailed to the House. The hon. and learned Member for Stamford (Sir F. Thesiger) says, and says truly, that it is for a State to decide what shall be the conditions on which power is held or office given in that State; but, conceding to him that proposition, he is very far indeed from maintaining by it the validity of the exclusion which affects the Jews. For example, it is part of the law that no one can sit in this House unless he is twenty-one years of age; but to any young man of eighteen or twenty who claims a seat in this House, the answer must be obvious, that there are good and sufficient reasons why a certain age should be deemed necessary for the fulfilment of functions so important as those that are fulfilled by its Members; that the exclusion is only temporary; that it affects him along with all others, whatever their faith might be, and that the time will come when he will be admitted to be fully qualified to take a seat in the House. That is a totally different thing from saying, that a man should be excluded on account of his religious creed. It is necessary before you resolve on positive exclusion from a seat in this House, that you should show good reasons affecting the State why that Resolution should be maintained. Now, I say, in the first place, as has been observed over and over again, that the exclusion which is caused by the words, "on the true faith of a Christian," cannot be shown historically to have been intended. On the contrary, the oath of abjuration has for its object not to ascertain the faith of the party taking it, but the exclusion of the Stuart family, or any other pretenders to the throne; and it is merely to give greater sanction and solemnity to the oath that the words "on the true faith of a Christian" are added. And when the oath of allegiance is taken, or the oath of supremacy, those words are not added. But, supposing the mode of taking the oath of abjuration was a good mode, what is the object you seek to attain by it? You cannot pretend, in this age, that you intend to ascertain the soundness of the religious faith of the persons taking that oath. If you want to do that, you must resort to very different means—some such means as those taken at the ordination of clergymen. The mere use of the words, "on the true faith of a Christian," cannot do that, for they not only include all sects of Christians, but, as an hon. Gentleman has shown, they do not exclude the Mormonites. Not only that, but we know that those have come to the table and used the words "on the true faith of a Christian" who were not so, and with as much readiness as others; so that if your object is to ascertain the soundness of a man's faith, your means are not sufficient for your purpose. But what is it that you really wish? You ought to wish, undoubtedly, that the great majority of the Members of this House should be influenced by Christian principles in their conduct and votes in this House—a security which I have never denied to be most desirable; but we know on the highest authority, that those who say they will not do and yet go and do, are superior to those who say they will do, and yet do it not; and I confess I would rather see a Jew in this House who was animated by the principle of his religion, who drew all his moral principles from the Old Testament, and believed with ourselves that those principles have the sanction of the Divine law and authority. I would rather trust that man than the proudest Christian who has abandoned every precept of Christianity, and who wholly disregards the laws, on which his faith is based. It is not by any oath or affirmation made at that table, that the influence of religion is to be brought to bear upon the minds of the Members of this House, or that the spirit of our legislation is to be affected. Now let me observe that the hon. and learned Gentleman, while he concealed the object of it, showed the influences which lead to the establishment of the oath, or else why make reference to all those examples of intolerance which have occurred in times that are past, and which I think are totally unsuited to the present age. What was that reference to persons writing against Christianity being sent to prison, but a reference to the time when persons were punished for not holding the faith of the Established Church—a reference to the times when Roman Catholics before the Reformation, as the Church of England in the reign of Charles II., inflicted penalties on men for not conforming to their views? The hon. and learned Gentleman was not satisfied with that, but went back to the time when the Senate of Rome declared in favour of Christianity. But what happened then? In a learned work, not very long published, by the Dean of St. Paul's, it is shown that, as soon as Christianity was declared to be the religion of the State, the persecutions that had taken place against the Christians ceased as against Christians, but that the spirit of persecution remained, and those who were not Christians were either imprisoned or lost their goods, and sometimes suffered capital punishment. That is an example which I should not like to see followed in this country. I believe we have come to a better period, and that we understand more fully what Christianity is than either those, who, in the Senate of Rome began those cruel persecutions, or those of our ancestors, who punished men by fine and imprisonment for not following the exact faith to which they themselves adhered. I entirely differ from the hon. and learned Gentleman who has just spoken, and believe that, if we open wide our doors for the admission of the Jews, so far from injuring Christianity, we shall prove that a Christian spirit really animates us. I believe that it is in that general religious liberty and that toleration of opinion that Christianity is sure to flourish. I think we should go back to one of the earliest sayings we read of after Christianity was proclaimed, that if it was of God it would stand. I think we may rely on that belief and admit the Jew, depending on those means—which are now used, I am happy to say, with greater activity and in greater diffusion than ever before—to teach the Christian faith and precepts to the people of this kingdom and throughout the world. My belief is, that it is not by intolerance or by those absurd notions to which my right hon. Friend the Member for Stroud alluded, to the effect that you must shut out the Jew, because he would have the whole property of the country in his hands; it is not by imprisonment, and still less by capital punishment, that the Christian religion is to be promoted, but by every kind of discussion upon it, which does not descend to the nature of scoffing or ridicule. I believe that if you open your doors wide, and the Jew is permitted to come into the House, the greatness and glory of Christianity would be more truly seen, and that you would do more to diffuse a Christian spirit and induce others to respect and follow Christianity, than by acting upon the intolerant laws of a former time. I, therefore, am of opinion, that to refer to those former examples is leading the House entirely astray, and I trust that the House by its decision to-night will show that it is guided by better examples and better precepts than those which have been cited by the hon. and learned Member for Enniskillen.

Mr. NEWDEGATE:* Sir, if any proof were required of the convincing character of the speech of my hon. and learned Friend the Member for Enniskillen, it is to be found in the reply of the noble Lord the Member for the City of London. I never heard a speech from a man of his natural power and acquired ability which manifested so strongly the fact, that the speaker had been overcome by the force of argument. What were the miserable replies, for so I must be permitted to call them, which the noble Lord gave to the speech of my hon. and learned Friend? He tells us that when Christianity became dominant at Rome, the jurisprudence of that country was stained by persecution. Are we, then, to draw the inference that the Spirit of Christianity is a spirit of persecution? What justification was there in the speech of my hon. and learned Friend the Member for Enniskillen when he cited obsolete enactments of laws in England which have been repealed, as inconsistent with the spirit of Christianity, for the noble Lord's assumption that he approved those enactments. My hon. and learned Friend spoke not one word that could justify the noble Lord's assumption. The noble Lord himself treats with persevering indifference the religious feelings of the great majority of the people of the country with respect to this measure; I have said before, and I repeat, that he, and not my hon. and learned Friend the Member for Enniskillen, is intolerant. Let the House remember that this is no simple Jew Bill. It is a Bill to admit not only the Jew, but the Mahomedan, the Hindoo, the avowed infidel, to the Legislature of this country. The noble Lord cites certain acts of persecution which stained the administration during the prevalence of Christianity in the government of Rome; but stops short at that point, and forgets to mention that portion of history which immediately follows, and records what befell Rome when she became apostate. The Emperor Julian was a successful soldier, a man of learning and ability, a great man. He was the chosen of his people. But he became an apostate, and Rome became also apostate under his influence. And from that hour dates the decline of that mighty empire. We have minor instances of apostasy in this House. I, for one do not think it becoming that men holding positions such as that of the right hon. Member for Droitwich (Sir John Pakington), after having held defined opinions on grave questions for ten years, should turn round and condemn those opinions with no alteration of circumstances to justify their change. But to revert to matters of history; I was speaking of the Emperor Julian and his apostasy, and stated that those nations which have apostatised from Christian principles of government, have thence dated their decline or difficulties. France has been alluded to. Whence in modern history does the noble Lord the member for the City get his principle of rejecting all religious qualifications for those who are to join in legislation, and to hold high office in the state? From the French Revolution, in 1791, this principle, which you call "religious liberty," was adopted in France. It was declared by the decree of the National Assembly in 1791, that no religious qualification should be required of those who took part in legislation, or of those who held high office. What was the consequence? That measure was resolved upon during the limited monarchy; and in two years afterwards that monarchy fell, and its fall was sealed with the blood of the king who had assented to that fatal decree. Refer again to the history of France. From 1814 to the year 1830, a safer form of Government was established; but in 1831, again, the French Government and Legislature adopted the fatal principle of the equality of all religions—of religious indifference; and in 1848, whilst this subject now before the House was being debated here, the monarchy of France which had assented to that fatal principle, again fell, and the king who had given his sanction to it was a refugee in this island. The principle, then, is a revolutionary principle, an irreligious principle, a principle which has proved destructive to every country enjoying free institutions which has adopted it. Holland has been cited; and what an instance! for no other country in Europe has had its dominions rent in twain since the Peace of 1814. Belgium, too, has been cited. Are there no clouds in the political horizon of Belgium at this moment which seem to portend disaster? But be that as it may, what is Belgium? Is Belgium really independent? Is not her existence rather preserved by external power for the general convenience of the other nations of Europe? Belgium cannot be said to exist by her own intrinsic power. The right hon. Gentleman the Member for Droitwich has referred to Prussia; but he is certainly mistaken as to that state. During the revolutionary year of 1848 this fatal principle, the rejection of all religious profession as a qualification for legislation, the rejection of all religious qualifications for high office, was forced upon the states of Germany; but since that year those states, as they emerged from the flood of revolution, have retraced their steps and recoiled from this principle. A different order of things has been established by them; they recognize as a fact that there is an Almighty disposer of events who governs the universe, and that they know Him; that Christianity is the prime element of safety and of order, and that under it only they can find security. In Prussia a subsequent appeal was made on behalf of the Jews for political power under the cry of "equal burdens, equal rights," in 1850. What did the Parliament of Prussia? They tendered to the Jews this test as a qualification for admission to the Legislature, "will you, as a Jew, abjure the anti-social and immoral doctrines of the Talmud, and of the Rabbins as the doctrines of men who had not the fear of God before their eyes?" The Jews rejected that test. They adhered to those traditions which have been transmitted to them from the Pharisees of the time of Christ, and which traditions of the Pharisees constitute the religion of the Jews of this day. The Jews refused to abandon those traditions which the blessed Author of our salvation declared had made the law of God of "none effect," and which do so still, and remain excluded from the Prussian Parliament. As a humble but sincere Member of this House, I appeal to hon. Gentlemen to reject the present measure as dangerous to the estimation in which Parliament and the laws it frames are held by the people of this country, as dangerous to the relation in which this House stands to the other branch of this Legislature, as inconsistent with the character of Parliament as a Christian assembly, as dangerous to the Christian constitution of this country. I pray this House to maintain its Christian profession, connected as it is with all that is glorious and great in the history of the country. The profession of Christianity is a duty incumbent upon nations as well as upon individuals, a Christian duty, incumbent upon every Member of this House, and upon the House collectively. Such is my clear conviction. If it is not, then, to my mind, God's dealings with the Jews has been recorded in the Old Testament in vain. Then have the Prophets prophesied in vain. Then has the voice of one crying in the wilderness been heard in vain. Then has the blessed Author of our redemption declared himself and died in vain. Then have the Evangelists written in vain. Then have the Martyrs suffered in vain. Then is the faith of eighteen hundred years a fallacy and your wisdom is consummate.

VISCOUNT PALMERSTON said: I wish, in the first place, before I make the very few observations which I deem it my duty to make upon the matter immediately under our consideration, to offer my tribute of admiration to the right hon. Baronet the Member for Droitwich for the honourable course which he has pursued on the present occasion. It is honourable to a man when he steadfastly adheres to opinions which he continues to think right, but it is still more honourable if, when his opinions are changed by the force of reasoning and long experience, he has the boldness to avow that change regardless of the taunts of those who still wander in the regions of error, and regardless of the allusions which may be made to distinguished persons in ancient history. In common with my right hon. Friend the

Member for Stroud (Mr. Horsman), I could understand the argument of those who maintain you ought not to touch these oaths which have been so long administered to Members of this House; I could understand those who might say that although those oaths contained much that was repugnant to our feeling and to our sense, yet they possessed a sanctity arising from their antiquity, and that therefore they should not be meddled with, although even such meddling might lead to improvement; but I am at a loss to understand the reasoning of those who oppose the present Motion and support the Amendment of the hon. and learned Gentleman opposite,—who admit that the oath which we now propose is an improvement upon the existing oaths, who accept it as a change for the better, but who then turn round and want to make a new exclusion, instead of the indirect and accidental exclusion contained in the terms of the old oath. Sir! the words "on the true faith of a Christian" were not intended to exclude the Jews, but only to make more emphatic the declarations contained in that oath; but the hon. and learned Gentleman, in proposing the insertion of those words in this new oath, endeavours to persuade the House to create deliberately and purposely a ground of exclusion which never before existed as a matter of intention. We are told this is a Christian country, that this is a Christian assembly, and therefore we ought not to admit Jews within these walls. Well, Sir, this is a Christian country, and this is a Christian assembly, inasmuch as it represents a nation which adheres to that creed; but does the hon. and learned Gentleman maintain that this is a religious assembly? This is a political assembly, chosen for political purposes; and I say with my right hon. Friend the Member for Stroud that you are not entitled to exclude Members of this House by reason solely of their religious opinions. You are not entitled to inquire what a man's religious opinions may be, except so far as to how those opinions may influence and sway his political conduct. That is the only principle upon which religious tests can be justified, but it does not apply to the Motion which we are now discussing. I will not follow the hon. and learned Gentleman opposite (Mr. Whiteside) into all the parts of his brilliant speech, much of which we must all have listened to with pleasure, as a display of talent. I shall not follow him to those ancient examples which he quoted, but I must say his arguments lead much further than the Amendment which he advocates. Why, Sir, according to his argument—if it be worth anything—we ought to go back to those periods, to expel the Jews from this country. If his argument be worth any thing, it implies that Jews should not be permitted to live in this land, or, if by great indulgence and liberality they should be permitted to dwell within these realms, they ought to be excluded from all municipal offices, from every position in which they could exercise an influence on the affairs of this country; and it is not consistent when you permit them to hold land, to fill municipal offices in this country, to insist, forsooth, that the existence of the Christian religion depends on the exclusion of half-a-dozen Jews from the Legislature. Such argument fairly breaks down and fails. It is preposterous, and I am sure the country will concur in thinking so—to fancy that the admission of a few Jews to this House will alter the religious character of the country. The effect of maintaining the present state of things will be to cast a slur upon Christianity by coupling the maintenance of the Christian character of the nation with the maintenance of odious exclusions of intolerance and of moral persecution. We have of late years made much progress in the application of the principles of civil and religious liberty; this matter still remains, in which those principles may and ought to be applied, and I cannot persuade myself that this House of Commons, a large majority of whose Members have been elected upon the principles of civil and religious liberty—this House, in which I see Catholic Members who of late years have been allowed to break through the trammels with which prejudice and intolerance formerly surrounded them—this House in which I see so many Dissenters, who by the application of the principles of civil and religious liberty have been freed from the restrictions which so long pressed unjustly upon them,—I cannot persuade myself that this House, which fairly represents the opinions of the country, will accept the Amendment of the hon. and learned Gentleman, which now for the first time deliberately enacts the exclusion which the terms of the old oath only accidentally created. I shall go fearlessly to a division, convinced that this House will by a large majority affirm those principles of civil and religious liberty which I contend are the true spirit of our constitution, and which if ever we lose sight of we must cease to boast of our free institutions, for the vital spirit by which those institutions are maintained will be deadened and will cease to animate our political action.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 201; Noes 341: Majority 140.

List of the AYES.

Adams, W. H.
Adderley, C. B.
Adeane, H. J.
Alexander, J.
Annesley, hon. H.
Archdall, Capt. M.
Bailey, H. J.
Bernard, hon. W. S.
Barrow, W. H.
Bathurst, A. A.
Beach, W. W. B.
Bective, Earl of
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blackburn, P.
Blakemore, T. W. B.
Blandford, Marq. of
Booth, Sir R. G.
Bovill, W.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruen, H.
Buller, Sir J. Y.
Bunbury, W. B. M'C.
Burghley, Lord
Cairns, H. M'C.
Carden, Sir R. W.
Carnac, Sir J. R.
Cecil, Lord R.
Charlesworth, J. C. D.
Child, S.
Christy, S.
Clark, J. J.
Clive, hon. R. W.
Cobbett, J. M.
Cobbold, J. C.
Codrington, Sir W.
Cole, hon. H. A.
Collins, T.
Conolly, T.
Cooper, E. J.
Corry, rt. hon. H. L.
Cross, R. A.
Curzon, Visct.
Dalkeith, Earl of
Damer, L. D.
Davison, R.
Dobbs, W. C.
Dod, J. W.
Drummond, H.
Du Cane, C.
Duncombe, hon. A.
Duncombe, hon. Col.
Dundas, G.
Du Pre, C. G.
Dutton, hon. R. H.
East, Sir J. B.
Egerton, Sir P. G.
Egerton, W. T.
Egerton, E. C.
Emlyn, Visct.
Farnham, E. B.
Farquhar, Sir M.
FitzGerald, W. R. S.
Forde, Col.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Gallwey, Sir W. P.
Galway, Visct.
Gard, R. S.
Gilpin, Col.
Goddard, A. L.
Greenwood, J.
Grogan, E.
Haddo, Lord
Hall, Gen.
Hamilton, G. A.
Hamilton, J. H.
Hardy, G.
Hassard, M.
Hayes, Sir E.
Heathcote, Sir W.
Henley, rt. hon. J. W.
Herbert, Col.
Hildyard, R. C.
Hill, Lord E.
Hill, hon. R. C.
Hodgson, W. N.
Holford, R. S.
Hopwood, J. T.
Hotham, Lord
Ingestre, Visct.
Johnstone, hon. H. B.
Jolliffe, Sir W. G. H.
Jones, D.
Kendall, N.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Legh, G. C.
Lennox, Lord A. F.
Leslie, C. P.
Lincoln, Earl of
Lisburne, Earl of
Lockhart, A. E.
Long, W.
Lopes, Sir M.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lygon, hon. F.
Lytton, Sir G. E. L. B.
Macartney, G.
Macaulay, K.
Mackie, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
March, Earl of
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Miller, S. B.
Mills, A.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, J. R.
Mullings, J. R.
Naas, Lord
Napier, rt. hon. J.
Newark, Visct.
Newdegate, C. N.
Nisbet, R. P.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Packe, C. W.
Pakenham, Col.
Palk, L.
Palmer, R. W.
Patten, Col. W.
Paull, H.
Peel, Gen.
Pennant, hon. Col.
Pevensey, Visct.
Philipps, J. H.
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Rust, J.
Sclater, G.
Scott, hon. F.
Seymer, H. K.
Shirley, E. P.
Smollett, A.
Somerset, Col.
Spooner, R.
Stafford, A.
Stephenson, R.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, C. N.
Taylor, Col.
Taylor, S. W.
Tempest, Lord A. V.
Tollemache, J.
Trefusis, hon. C. H. R.
Trollope, rt. hon. Sir J
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Walsh, Sir J. B.
Warren, S.
Welby, W. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, Col.
Willoughby, J. P.
Willson, A.
Woodd, B. T.
Wortley, Maj.
Wyndham, Gen.
Wyndham, H.
Wynn, Col.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Thesiger, Sir F.
Stanhope, J. B.

List of the NOES.

Adair, H. E.
Akroyd, E.
Alcock, T.
Althorp, Visct.
Anderson, Sir J.
Antrobus, E.
Ashley, Lord
Atherton, W.
Ayrton, A. S.
Bagwell, J.
Bailey, C.
Baines, rt. hon. M. T.
Ball, E.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Barnard, T.
Bass, M. T.
Baxter, W. E.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Beecroft, G. S.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Black, A.
Bland, L. H.
Bonham-Carter, J.
Botfield, B.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Bowyer, G.
Brady, J.
Brand, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Bruce, H. A.
Buchanan, W.
Buckley, Gen.
Bulkeley, Sir R.
Buller, J. W.
Burke, Sir T. J.
Bury, Visct.
Butler, C. S.
Buxton, C.
Buxton, Sir E. N.
Caird, J.
Campbell, R. J. R.
Castlerosse, Visct.
Cavendish, Lord
Cavendish, hon. C. C.

Cavendish, hon. G.
Cayley, E. S.
Cholmeley, Sir M. J.
Clay, J.
Clifford, C. C.
Clifford, H. M.
Clinton, Lord R.
Clive, G.
Codrington, Gen.
Colebrooke, Sir T. E.
Collier, R. P.
Colvile, C. R.
Cowper, rt. hon. W. F.
Coote, Sir C. H.
Coningham, W.
Conyngham, Lord F.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Crook, J.
Crossley, F.
Cubitt, Mr. Ald.
Dalgleish, R.
Dashwood, Sir G. H.
Davey, R.
Davie, Sir H. R. F.
Denison, hon. W. H. F.
Dering, Sir E.
De Vere, S. E.
Dillwyn, L. L.
Disraeli, rt. hon. B.
Divett, E.
Dodson, J. G.
Duke, Sir J.
Dunbar, Sir W.
Duncan, Visct.
Dundas, F.
Dunlop, A. M.
Ebrington, Visct.
Elcho, Lord
Ellice, rt. hon. E.
Ellice, E.
Elphinstone, Sir J.
Elton, Sir A. H.
Ennis, J.
Esmonde, J.
Evans, Sir De L.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Fagan, W.
Fenwick, H.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Fife, Earl of
Finlay, A. S.
FitzGerald, rt. hon. J. D.
Fitzwilliam, hon. G. W.
Fitzwilliam, hn. C. W. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Freestun, Col.
French, Col.
Garnett, W. J.
Gaskell, J. M.
Gifford, Earl of
Gilpin, C.
Glover, E. A.
Glyn, G. C.
Glyn, G. G.
Goderich, Visct.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greene, J.
Greer, S. M'C.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Gray, Capt.
Grey, rt. hon. Sir G.
Grey, R. W.
Griffith, C. D.
Grosvenor, Lord R.
Gurdon, B.
Gurney, S.
Hackblock, W.
Hadfield, G.
Hall, rt. hon. Sir B.
Hanbury, R.
Handley, J.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Hardcastle, J. A.
Harris, J. D.
Hatchell, J.
Hay, Lord J.
Headlam, T. E.
Heard, J. I.
Henchy, D. O'C.
Heneage, G. F.
Henniker, Lord
Herbert, H. A.
Hindley, C.
Hodgson, K. D.
Holland, E.
Hornby, W. H.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hutt, W.
Ingham, R.
Ingram, H.
Jermyn, Earl
Jervoise, Sir J. C.
Johnstone, J. J. H.
Johnstone, Sir J.
Keating, H. S.
Kelly, Sir F.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langston, J. H.
Langton, H. G.
Laslett, W.
Laurie, J.
Lewis, rt. hon. Sir G. C.
Liddell, hon. H. G.
Lindsay, W. S.
Locke, Jos.
Locke, Jno.
Lowe, rt. hon. R.
Luce, T.
M'Cann, J
Mackinnon, W. A.
M'Cullagh, W. T.
Maguire, J. F.
Mangles, R. D.
Mangles, C. E.
Marjoribanks, D. C.
Marsh, M. H.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Melgund, Visct.
Merry, J.
Mills, T.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Moncreiff, rt. hon. J.
Monsell, rt. hon. W.
Morris, D.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Neate, C.
Nicoll, D.
Norreys, Sir D. J.
Norris, J. T.
North, F.
O'Brien, J.
O'Connell, Capt. D.
Ogilvy, Sir J.
Osborne, R.
Paget, C.
Paget, Lord A.
Paget, Lord C.
Pakington, rt. hon. Sir J.
Palmerston, Visct.
Paxton, Sir J.
Pease, H.
Pechell, Sir G. B.
Peel, Sir R.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Pinney, Col.
Platt, J.
Portman, hon. W. H. B.
Potter, Sir J.
Powell, F. S.
Power, N.
Price, W. P.
Pryse, E. L.
Puller, C. W.
Ramsden, Sir J. W.
Ramsay, Sir A.
Raynham, Visct.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Robartes, T. J. A.
Roebuck, J. A.
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, F. W.
Russell, Sir W.
Salisbury, E. G.
Schneider, H. W.
Scholefield, W.
Scrope, G. P.
Seymour, H. B.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, R. B.
Sheridan, H. B.
Sibthorp, Maj.
Slaney, R. A.
Smith, J. A.
Smith, J. B.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Smith, Sir F.
Somers, J. P.
Somerville, rt. hn. Sir W.
Stanley, Lord
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sykes, Col. W. H.
Talbot, C. R. M.
Tancred, H. W.
Thompson, Gen.
Thornely, T.
Thornhill, W. P.
Tite, W.
Tollemache, hon. F. J.
Townsend, J.
Traill, G.
Trelawny, Sir J. S.
Trueman, C.
Turner, J. A.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, hon. J. C. W.
Waldron, L.
Walter, J.
Warburton, G. D.
Warre, J. A.
Watkin, E. W.
Watkins, Col. L.
Weguelin, T. M.
Western, S.
Westhead, J. P. B.
Whatman, J.
Whitbread, S.
White, J.
White, H.
Wickham, H. W.
Willcox, B. M'G.
Williams, M.
Williams, W.
Williams, Sir W. F.
Willyams, E. W. B.
Wilson, J.
Wingfield, R. B.
Winnington, Sir T. E.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Worsley, Lord
Wrightson, W. B.
Wyld, J.
Windham, Gen.
Wyvill, M.

TELLERS.

Hayter, rt. hon. W. G.
Mulgrave, Earl of

On the Question that the Clause stand part of the Bill,

Mr. WALPOLE: Before we assent to this clause I wish, particularly after the discussion we have had to-night on the Amendment moved by the hon. and learned Member for Cork, and the very powerful argument addressed to the House by my hon. and learned Friend the Member for Enniskillen, to ask whether it is intended that this Bill should stand as it is drawn—in fact, as it stands at this moment. If it is intended to leave the Bill in its present shape, the consequence will be that Jews and Roman Catholics will be placed upon a different footing. Now, what I wish to ask of the Government is, whether those clauses which were mentioned by my hon. and learned Friend the Member for Enniskillen as having been introduced into a former measure by the noble Lord the Member for the City of London, restraining Jews from holding such offices as Roman Catholics cannot fill, will or will not be inserted in this Bill? I am the more anxious to ask this question, first, because when the Roman Catholic Relief Bill passed through this House it was not understood, as it seems now to be argued, what the nature of the securities would be which were then intended to be taken; and, secondly, because I see by a report in the public journals that the noble Viscount at the head of the Government told a deputation, which waited upon him a few days ago, that this Bill was intended to be only a step in advance, and that the time would come when the Roman Catholics would have their turn. Now, before we pass even this clause, I think we ought to come to a distinct understanding as to what is to be the nature and operation of the Bill; and, with regard to the points I have mentioned, I hope the noble Viscount will, even this evening, be pleased to give us some explanation.

Viscount PALMERSTON: Her Majesty's Government have no intention of making any alteration in the Bill as it now stands. With respect to any report which may have appeared in the newspapers of what passed between me and the deputation to which the right hon. Gentleman has referred, all I can say is, that it was not seen by me before it was published. I certainly stated to the deputation that I thought it would be very unwise in them to oppose this measure, which I considered to be a step in advance. I told them that it would not impede any change which they might at any future time persuade Parliament to make; that it was a step in advance in the cause of civil and religious liberty, and that it was therefore a measure which ought to receive their support.

Mr. MAINWARING hoped that as Her Majesty's Ministers had now done what they deemed an act of justice to the Jews, they would not refuse to give greater freedom of action to the Christian Church.

Lord ROBERT CECIL trusted that at that late hour the further consideration of the Bill would be postponed. As the measure stood at present there was nothing to prevent a member of the Jewish persuasion from holding the office of Prime Minister and appointing a bishop. He might even be the keeper of the Queen's conscience. Now, before they were asked to proceed further they ought to have a little time for consideration; and, with all respect to the enormous majority which had just rejected the Amendment of his hon. and learned Colleague, he thought the minority ought to have an opportunity of registering some distinct protest against a measure fraught with such consequences as those he had indicated. He therefore begged to move, that the Chairman report progress and ask leave to sit again.

Viscount PALMERSTON really hoped that the House would not agree to this Motion. The policy evidently was to defeat, by delay, that which the House had positively affirmed by the division that had just taken place. No notice had been given of any other Amendments; the Bill was exceedingly short and simple, and he hoped, therefore, that the House would go through with it.

Mr. DRUMMOND asked whether it was really intended by Government that, under pretence of being admitted to Parliament, Jews were to have the giving away of Bishoprics? If such was their intention, he must say that a fraud and a trick had been practised upon the country. The conduct of Ministers had not been straightforward and open, and the opponents of the Bill would not tamely submit to such treatment.

Motion made, and Question put, "That the Chairman do report progress; and ask leave to sit again."

The Committee *divided*:—Ayes 142; Noes 278: Majority 136.

Mr. BENTINCK said, he could assure

the noble Lord (Viscount Palmerston) that there were hon. Members on that (the Opposition) side of the House who were determined, if it were in their power, to obtain it by constitutional means, to have a distinct and straightforward answer from him on the point so clearly and forcibly put by his hon. and learned Friend the Member for Stamford (Sir F. Thesiger) and the hon. Member for Surrey (Mr. H. Drummond). What they wanted to know was, whether it was the object of this Bill, and whether it were the noble Lord's intention, that Jews should be eligible to the high offices already named—the offices of Lord Chancellor and Prime Minister, and, therefore, to be in a position to appoint the dignitaries of the Church. He hoped they would have a distinct answer to that question, and upon the answer would depend the course which they would take.

Viscount PALMERSTON: Sir, this Bill is not a Bill of disqualification—it is a Bill to alter an oath. Undoubtedly the Bill, as it stands, would not prevent the appointments named from being held by Jews. Of course the appointment of Prime Minister and the appointment of Lord Chancellor depend not simply upon the will of the Government of the day or of the Sovereign, but upon the support of this House. I should hope the House will agree to this clause, which is the clause containing the oath. If hon. Gentlemen wish to raise a discussion upon the other question to which the hon. Member has alluded, although I must say they have have had the Bill in their hands for some time without giving the notice which they might have been expected to give—if they have felt strongly on the subject—if, I say, hon. Gentlemen wish to raise that question, I shall have no objection to the Chairman's reporting progress after the Committee shall have adopted the first clause, which has no relation to that point, but relates to the oath, and that will give them an opportunity of raising the question on a future occasion by giving notice.

Mr. WALPOLE said, it was true the Bill had been for some time in the hands of hon. Members, but until they knew that the words "on the true faith of a Christian" were not to be in the Bill, it was impossible for them to consider the ulterior consequences. They might consider those consequences, but they could not take them for granted, and, therefore, no notice of such an Amendment as had been referred to could have been given. The Catholic Relief Act was not a measure of disqualification, but of emancipation, and to that Act such provisoes were added. In his opinion it was out of the question that any Amendment of the kind should come from the Opposition. They did not assume, especially after the discussion which had taken place to-night, that the Jews would be admitted. But they felt bound to point out the anomalous and contradictory consequences which might follow, in order to afford the Government an opportunity of putting the Bill in the form in which the noble Lord the Member for the City of London had originally proposed it; and he maintained that no blame could be attached to the Opposition for taking that course. As to reporting progress after passing this clause, the view he took of that was, that after the statement made by the noble Viscount, he (Mr. Walpole) and those who acted with him on that side of the House considered they had done their duty in pointing out the consequences that might ensue from the Bill as it stood, and they would not be parties to any Motion started merely for the purpose of delay.

Clause 1 *agreed to.*

Clause 2.

Mr. SEYMOUR FITZGERALD said, he regretted to hear what had fallen from the noble Viscount, and he could not believe that he spoke the sentiment of the majority. As the noble Viscount had said he was perfectly willing that the Chairman should report progress, and he Mr. FitzGerald thought it was well that that course should be taken, in order to allow hon. Gentlemen who sat on his side of the House time to consider what steps they ought to take in reference to the point started by the noble Lord the Member for Stamford (Lord R. Cecil), he would therefore move that the Chairman report progress.

Viscount PALMERSTON: What I stated was that if any hon. Member wished to give notice of an Amendment, I should of course feel it my duty to offer no resistance to the Chairman reporting progress, but if no hon. Member desires to give notice of an Amendment it would only be a waste of time for the Chairman now to report progress.

Mr. MALINS said, they had had a very full discussion of the Bill, and the question had been decided by a large majority. If there were any prospect of doing any good he would support the Motion, but he thought that to renew the discussion when their patience was exhausted and when the question had been decided as it had been, would be useless. Under the circumstances he would really appeal to his hon. Friend not to press his Motion.

Mr. MOWBRAY said, it was true there had been a full discussion, but the question now raised had only just been introduced. He should like to know whether, before hearing the question of the noble Lord the Member for Stamford, the Government contemplated the consequence to which he referred, of passing the Bill as it stood. He did not think the noble Viscount was entitled to call upon them (the Opposition) at that hour, nearly one o'clock, to state what Amendment they meant to propose.

Mr. MILES said, he likewise would suggest to his hon. Friend (Mr. S. FitzGerald) the propriety of withdrawing his Motion. The question had been decidedly asked of the noble Lord at the head of the Government whether he had taken the point brought under his notice by the noble Lord the Member for Stamford into consideration, and whether he intended to make any alteration in the Bill of the kind suggested, and the noble Viscount's answer, given emphatically, was that he did not intend to make any such alteration. If his (Mr. Miles's) recollection did not fail him, he believed that in one of the Bills brought in by the noble Lord the Member for the City of London for the admission of the Jews, and to which the name of the noble Lord (Viscount Palmerston) was attached, certain securities were taken like those suggested by the noble Lord the Member for Stamford with respect to the Bill now under consideration; therefore, the matter in question must have been previously under the consideration of the noble Viscount at the head of the Government. The noble Viscount had now stated that he did not think any such securities necessary, but they on his (Mr. Miles's) side of the House would see whether another House might not think them necessary. It was not now for a minority to interfere between the noble Viscount and his Bill, but it was open to that minority to let those in another place know what its sentiments were on the subject under debate.

Viscount GALWAY also urged the hon. Member (Mr. FitzGerald) not to divide the Committee.

Mr. SEYMOUR FITZGERALD said, he did not understand the noble Lord (Viscount Palmerston) to say that if an Amendment of the kind suggested by the noble Lord the Member for Stamford were introduced it would be an Amendment which would decidedly not meet with the concurrence of the Government. He did not think that the words which had fallen from the noble Viscount would lead to such a conclusion. But, however that might be, he (Mr. S. FitzGerald) did not think it would be a becoming course on the part of those who sat on his side of the House to say they would not, to the extent of their power, use every means to carry out what they believed to be right, in order that, by not raising the question, they might ensure the rejection of the Bill in another place. He did not think that would be a straightforward course. With reference to the question under consideration, he might say that up to that very evening he himself had never given a vote adverse to the admission of his Jewish fellow-subjects to that House. That night, however, he had felt it was incumbent on him to give that vote, because he, for one, could not consent that a Bill that was introduced by the Government on the ground of religious toleration should, in fact, do that which he believed to be an insult and an injury to a very large class of their fellow-Christians. It was not only in the Roman Catholic Emancipation Act that the peculiar safeguards, as they had been called, existed, but he believed they were scrupulously inserted by the noble Lord the Member for the City of London into every Bill which he had introduced for the admission of Jews to seats in that House. He (Mr. FitzGerald) thought they were bound in justice to a large class of their fellow-countrymen not to place them in a disadvantage, which they certainly would do if they passed the Bill in its present shape. What did the noble Viscount propose? Why, that men who believed our religion to be false, and that the great Author of it was an impostor, should have it in their power to promote persons to the very highest offices in the Christian church. He (Mr. FitzGerald) could not conceive that such a principle would ever be conceded by that House. He believed it to be necessary under present circumstances that there should be time given for the consideration of the question by members on his side of the House, and he should therefore persist in pressing his Motion.

MR. LYGON said, he had not yet learnt from any Member of the Government that they had contemplated that results such as those suggested by the noble Lord the Member for Stamford might occur under the Bill as it stood; and he desired to know from the noble Lord (Viscount Palmerston) whether it was within the knowledge of the Government before the introduction of the measure that the effect of it might be to place ecclesiastical patronage in the hands of people belonging to the Jewish persuasion?

MR. BENTINCK said, the noble Lord (Viscount Palmerston) had stated that if no Amendment was intended to be moved, it would not be desirable for the Chairman to report progress; but he would remind the noble Lord that an Amendment upon a question of that importance was not to be drawn up in a moment, and that it was necessary that time should be given for the purpose, nor could any Amendment be fairly discussed except in Committee. If, therefore, the Bill were suffered to go through Committee now, the Amendment could only be introduced on some future stage, when very little time could be afforded to discuss this most important point.

LORD ROBERT CECIL observed that there could be no Report, and under the alteration made in the Standing Orders last Session, no Amendment could be proposed on third readings, and therefore, unless the noble Viscount consented to an adjournment, there would be no further opportunity of raising the question which had been introduced.

MR. BOOKER-BLAKEMORE asked the noble Viscount whether he had fully considered the question of the possible effect of the measure with respect to the Church; and if he had, how could they trammel the Crown with respect to the oath taken at the Coronation? That was a consideration which ought to influence the noble Viscount, and induce him to give proper time for consideration.

VISCOUNT PALMERSTON said, it was a mistake of the noble Lord to suppose there would be no Report, for he meant to strike out the last clause, which fixed the date, in order that the operation of the Bill should take place from the passing of the Act. There would, therefore, be a Report; and it would be competent for any hon. Member to move an Amendment on the bringing up of the Report.

MR. SCOTT said, he wished to remind the Committee that the question they had decided by the vote of that night was, that Jews should have seats in that House, and that during its discussion a fresh question had been raised by the noble Lord the Member for Stamford.

MR. NEWDEGATE said, it appeared to him that hon. Members upon his side of the House had entered their strongest protest against the principle of the Bill as well as against its details, and he should therefore appeal to his hon. Friend the Member for Horsham not to press his Motion for reporting progress.

VISCOUNT PALMERSTON said, it was quite plain the feeling of the House was against the Motion for reporting progress. If any hon. Member wished to propose an Amendment upon the clause, it would be perfectly competent for him to do so when the Report was brought up, and he should take care that the bringing up of the Report should be fixed for such a day as to afford hon. Members time to prepare any Amendments they may deem it expedient to introduce.

MR. WHITESIDE also suggested to the hon. Member for Horsham the propriety of withdrawing his Motion. The noble Lord at the head of the Government, he might add, stood in the position of having been the framer of a clause making it an indictable offence upon the part of a Jew to give any advice to the Sovereign respecting preferments in the Church, and also of being the author of the Bill under discussion.

Motion *negatived.*

Clause *agreed to;* as were the remaining clauses.

The House resumed.

Bill *reported;* as amended, to be considered on *Friday.*

House adjourned at half-after One o'clock.

HOUSE OF LORDS,

Tuesday, June 16, 1857.

MINUTES.] *Took the Oaths.*—Several Lords.
PUBLIC BILLS.—1ª County Cess (Ireland); Militia (Ireland) Act (1854) Amendment; Sound Dues.

POOR RATES (METROPOLIS).

PETITION.

THE EARL OF MALMESBURY, in *presenting* five petitions from parishes in London, praying for the equalization of the poor rates in the metropolis, took occasion to remind their Lordships that five or six years ago he was in the habit of bringing the question under their consideration, and he succeeded in obtaining the appointment of a Select Committee to entertain certain propositions that had been advocated by parties interested in the settlement of the subject. He felt at the time that the burden of the poor rates on the poorer parishes would go on increasing annually to such an extent, that at last it would become intolerable. The Committee considered some proposals which he ventured to submit to them for remedying the evil, and their Report contained expressions which he could not but deem highly flattering to himself. The present petitioners desired that the poor rates in the metropolitan parishes should be equalized, so that the richer parishes, which contained no poor, should contribute their quota as well as the others. No doubt the Government were desirous of proposing some plan for the settlement of this question, and he would therefore warn them that there were certain dangers to be apprehended from such an equalization, which care should be taken to avoid. There was danger, if the rates were equalized, and they were assured of being assisted *pro ratâ* by the richer parishes, that the poorer districts would become much more careless in the management of their affairs than now, and that extravagance would be the consequence. He thought, therefore, that a system of equalization ought to be accompanied with some guards that would prevent this. The proper mode, in his opinion, if they equalized the rates within a certain circle, would be to do so for a certain number of years, and to grant to the poorer parishes a sum annually not exceeding the average of what they had expended for a period of seven or ten years. If they exceeded that amount, let them raise the difference at their own expense, but if some such control was not provided, their Lordships might depend upon it that the affairs of the poorer parishes would be neglected.

THE ABOLITION OF MINISTERS' MONEY.

NOTICE OF MOTION.

THE EARL OF WICKLOW gave notice that in case of the Bill for the Abolition of Ministers' Money being read a second time, he should move, in accordance with the petition he had presented last night from the Ecclesiastical Commissioners for Ireland, that they be heard by counsel against the Bill.

THE EARL OF ELLENBOROUGH begged to ask whether, before Thursday next, when the Bill came on for second reading, any statement would be laid before their Lordships showing the present revenue and expenditure of the Commissioners. They had accounts upon the subject up to 1849, but it was perfectly idle to ask their Lordships to come to any decision upon the Bill before them as long as they were uninformed with reference to the funds at the disposal of the Commissioners. Upon principle he certainly had no objection to the Commissioners being charged with the payment of ministers' money. Indeed, he had always been of opinion that the tax ought to be abolished; and he saw no greater objection to the Ecclesiastical Commissioners' revenue bearing the charge than any other; but the question was, whether they had the money to pay this and also the other charges established upon the fund? All he would say was, that he considered their Lordships were without the means of determining the point.

THE EARL OF WICKLOW wished to remind their Lordships that he moved the other evening for certain returns that would give all the requisite information; but he was told that the second reading of the Bill would come on before the returns could be forthcoming. He certainly thought that the second reading of the Bill ought to have been postponed until those returns had been produced.

THE EARL OF ELLENBOROUGH quite agreed with the noble Earl that their Lordships ought not to be asked to come to a decision upon the subject in the absence of all requisite information.

THE INDIA LAW COMMISSION—ADMINISTRATION OF JUSTICE—QUESTION.

LORD MONTEAGLE begged to ask the noble Duke, the Postmaster General, what were the intentions of the Government with reference to the recommendation of the late India Law Commission—namely, that the Sudder and Supreme Courts should be amalgamated? The project had been long discussed, so far back even as the time of Lord William Bentinck, and it was his impression that Sir Charles Wood, in 1853, had given a distinct pledge that such an arrangement would be carried out.

THE DUKE OF ARGYLL said, that he

should not at present go into the question of amalgamating the two Courts—he should simply state the course which the Government intended to pursue. In so doing, he should say a few words in reference to an accusation brought by the noble Lord against the Government last night, at a time when there were only four Peers present. The majority of the Peers now present might not be aware that the noble Lord now asked this question after having brought against the Government a specific charge of breach of faith with Parliament—an accusation which he now repeated. Now, he (the Duke of Argyll) could show that no pledge whatever was given by Sir Charles Wood on the occasion referred to. In 1853, on the introduction of the last Bill for the Government of India, Sir Charles Wood said that he was anxious that some improvement of the law courts in India should be embodied in the Bill; but, after consulting the law officers in India, he found that many previous steps would be necessary. An intimation was made of the opinion of Government, but no sort of pledge or promise given to proceed by Imperial legislation. The course the Government took in the matter was this—the question had been referred to the law Commissioners. They only made their Report in July of last year, and that Report contained a recommendation in favour of the course proposed by the noble Lord. The question then arose before the Board of Control whether the measure was one for decision in this country, or whether it should be referred to the Legislative Council in India? His right hon. Friend the President of the Board of Control determined to refer the Report to the Legislative Council in India—a step with which the Court of Directors had nothing to do, and his right hon. Friend was perfectly prepared in the other House of Parliament to defend the course which he had taken. It was a step not in the slightest degree inconsistent with any pledge or promise given to Parliament, and still less inconsistent with any of the provisions of the Bill to which his noble Friend had referred. At present he (the Duke of Argyll) gave no opinion on the matter. It should be remembered that the recommendation of the Commission was not unanimous—it was only carried by a majority. He must distinctly deny another statement made by the noble Lord, that the Government had broke a pledge which it had given on the subject of the Education for the Civil Service in India. His noble Friend stated that a pledge was given to Parliament by the Government of the day that the civil servants should have a legal education in this country before they proceeded to India, and to prove that pledge he cited a Minute of Mr. Macaulay which recommended that the civil servants should undergo two years' study of the law in this country, and that their proficiency should be tested by a second examination. Now, it was true that Mr. Macaulay did recommend a second examination upon legal subjects, but the noble Lord suppressed the fact that, since that Minute, Mr. Macaulay had expressed a contrary opinion, and that the opinion was embodied in papers presented to Parliament. The noble Lord should have stated that the Government itself had given notice of what he called their breach of faith, and had given its reasons for this change of opinion. The noble Lord might, perhaps, not know of the papers, but they were perfectly accessible to all. That paper was presented to Parliament about a year ago, and gave reasons for dispensing with the second examination. He had sufficiently made out that there was no breach of faith in the course taken by his right hon. Friend, but that it was perfectly in accordance with the opinions of those who first made the recommendation. Their Lordships would see that there were great difficulties in the way of affording in England a legal education to the civil servants of the East India Company. No system existed for the professional education of our own lawyers, and if the first recommendation of Mr. Macaulay had been carried into effect the result would have been that, the young men intended for the Indian Civil Service, after the completion of the education specially fitting them for the East, would have been obliged to waste one year and a half in England without making any real advance in the knowledge of the law. At the same time the President of the Board of Control had not abandoned the hope that at some future time a better legal education might be given to the civil servants of the East India Company.

The Marquess of CLANRICARDE wished to know if he understood the noble Duke correctly, that the whole responsibility of adopting or rejecting the Report of the Commissioners was to be thrown upon the Legislative Council of India, which in other words meant the Governor General, because, if so, a more unfair responsibility could not be cast upon any high public functionary. A Commission, consisting of the highest legal authorities, had made a distinct recommendation, and prepared a plan for the amalgamation of the two courts, and after Parliament had received that announcement, and by their silence approved of it, to cast upon his noble relative the Governor General the responsibility of saying whether or not the recommendation of the Commissioners and of a former Governor General should be adopted or overthrown, and to be answerable for the consequences, was to impose upon him a most unfair and invidious duty.

THE EARL OF ELLENBOROUGH thought that the President of the Board of Control would find no difficulty in defending his conduct before the House of Commons if it were questioned, because he had submitted the amalgamation of the Sudder and Supreme Courts to the Legislative Council. For what purpose had Parliament created the Legislative Council, consisting of the Chief Justice and another Judge and a representative from each subordinate Government, if it were not intended to place confidence in it? The Legislative Council had not absolute authority, but it had the power of advising on the most important questions; and this was a question upon which the Legislative Council alone was capable of giving a satisfactory decision. He trusted that no desire to amalgamate the two courts would induce Parliament to override the Legislative Council of India, as it was the interest of all persons in this country who desired to promote respect for the Government of India to uphold its authority. With respect to this particular question, as far back as 1829 he entertained a strong impression that great advantages would arise from the union of the two courts. He recollected putting a question about that time to Mr. Elphinstone, the sole remaining great man of India, upon the subject, and if their Lordships would take the trouble of referring to Mr. Elphinstone's answer, he thought they would, perhaps, be disposed to entertain some doubt whether it would be perfectly free from danger to make that amalgamation at so early a period as seemed to be desired.

LORD MONTEAGLE said, that in November, 1853, Sir C. Wood expressly required the Commission to continue their Report; the Commission had done so, and their Report was favourable to the plan he proposed. If this was not giving a pledge, he was at a loss to conceive what the power of words was. One of the Commissioners—Chief Justice Jervis—had retired from the Commission because he thought the Government was using it for the purpose of postponing the measure.

THE EARL OF ELLENBOROUGH referred the noble Lord to the Act called the last Charter Act, by which power was given to the Legislative Council of dealing with all courts of Justice, whether established by charter or not.

REFORMATORY INSTITUTIONS BILL.

SECOND READING.

THE EARL OF CARNARVON in moving the Second Reading of the Bill said, it was purely supplementary to previous legislation. By the present law, magistrates could commit juvenile offenders under sixteen years of age to reformatory institutions. He proposed to extend the age from sixteen to twenty, to enlarge the age of admission, not the age of detention. It might be objected that some limit was necessary, and that sixteen was as good a limit as any other. But this was to assume that there was a fixed point in the life and character of a man, where juvenile offence ceased and adult crime commenced. At present there was some inconsistency, as he thought, in the law, because, if a juvenile offender were committed one week before he was sixteen, he was subjected to reformatory discipline, but if he happened to be one week older than sixteen, he did not obtain that which must be admitted to be an advantage. This further difficulty arose. The present system, if carried out, sometimes involved the evils of an association of different ages; if not carried out through fear of that association, inasmuch as the field of juvenile offence was too narrow for the establishment of reformatories for youths between fourteen and sixteen, it left this section of juvenile offenders unprovided for. There were two modes of dealing with juvenile offenders; by a recent Act of the 16 & 17 *Vict.*, and by the Parkhurst Act, which empowered the Secretary of State to grant conditional pardon to young offenders. He proposed in the Bill to apply the principle of the Parkhurst Act to offenders above sixteen, and for this reason. The committal of juvenile offenders to reformatories was, on the assumption that they were unaware of the nature of the offences they had committed; but that plea could not be admitted where offenders were above the age of sixteen. It was fair that in their case there should be a penalty for the transgression of the law. He proposed by the Bill, that, in all circumstances to which it might apply, a conditional pardon should only be granted after the prisoner had undergone at least one-half of his sentence. That penal element would be found in such a case not only just but useful. At that age prisoners could appreciate the difference between the punishment of a prison and the milder correction of the reformatory, for it was held by all men who had given their attention to this subject, that it was an almost indispensable condition of success in the treatment of juvenile crime in reformatory institutions, that there should be a previous stage of punishment. M. de Metz, than whom there could scarcely be a more competent authority on this subject, had always insisted on the necessity of this preliminary punishment, provided that he could effectually guard against the association of juvenile criminals with older offenders in prisons. He (the Earl of Carnarvon) had inserted a clause with regard to the classification of juvenile offenders, and had given power for the removal of such offenders from one institution to another, but only with the consent of the managers of such institutions. It would not be difficult under this Bill for the manager of reformatories in different counties, or districts, to come to an understanding, and whilst in one reformatory boys under fourteen or fifteen should alone be admitted; in another reformatory lads between fourteen or fifteen and twenty should only be received. A better classification of offenders might thus be made than is now practicable. It had been erroneously supposed that by this Bill it was intended that boys under and above the age of sixteen would live in the same reformatory but in different classes, but such was not the intention of the measure. He had reason to believe that if this Bill passed there would be many persons who would interest themselves at once in establishing reformatory schools for those who might be convicted between the ages of sixteen and twenty. He was bound to show not only that the law might be made more harmonious and practical in its working, but that there was a large class who would be affected by this measure, and that there was ample subject matter on which it could be made to operate. By the police returns of Liverpool for 1856 it appeared that out of 19,336 convicts there were 5,985 between the ages of fifteen and twenty-one, of whom 48 per cent could neither read nor write. Again, in Manchester, out of 4,470 prisoners there were 963 between the ages of fifteen and twenty; while at Winchester, during the last three years, there had been 561 prisoners between the ages of fifteen and twenty. From the last report of the inspectors of prisons it appeared that under the head of summary convictions, and of committals for trial there were 25,211 prisoners between sixteen and twenty-one. This did not allow for re-committal; but it might be fairly said that of the 105,000 male prisoners during the year from 25,000 to 27,000 were persons between sixteen and twenty-one. At a reformatory meeting held at Bristol last year, a noble Friend, who presided, dwelt in a very able speech upon the startling fact in the history of crime that whilst persons between the ages of sixteen and twenty one constituted one-tenth of the population, that tenth would be found guilty of one-fourth of detected crime. It might be asked what was the peculiar condition of the juvenile offenders who made up that high rate of the criminal per centage? He feared it was but too true that they were in a state of gross ignorance in all that constituted the first rudiments of education. They were neither skilled workmen nor good husbandmen. They were generally men of the lower trades, and wanting in all education. For this class the prison was the only school: and it was a bad school. If even association of different ages could be guarded against, the lessons of the prison, and the good resolutions formed there, admitted of no gradual confirmation or practical proof. He had received a letter from the chaplain of the gaol at Winchester, a gentleman of great experience in that capacity, and who had been brought much into contact with juvenile offenders; and, as the opinions of such a person were entitled to respect, he (the Earl of Carnarvon) would read an extract from his letter:—

"I am (said the reverend Gentleman) more than rejoiced to hear you can report progress on the question of reformatories for young men between the ages of seventeen and twenty-one years. I assure you there is no class of prisoners in more destitute and perilous circumstances than they are. Generally they have no trade, or at least most imperfect acquaintance with one. Their friends are most exasperated against them, when they have friends, because it is about that time of life friends look for some aid from them; and, smarting under disappointed hopes, I have found them more inexorable towards the class I refer to than the friends of younger or older prisoners. Again, I think reformatory homes for such parties most desirable, because they are more capable of reformation in two respects—first, because whatever knowledge they have of trades or habits of labour, are not so disrupted or fallen into desuetude as to be useless, but may be advantageously prosecuted and improved, so as to render such young men useful and desirable in the more perfect state they would be found on leaving a reformatory home; and, secondly, because depraved habits are not so confirmed as in more ripened years. Again, I have found many young men of the age you name, so affected by detection in the earlier stage of crime, that they were far more willing to avail themselves of such institutions than at a later period. And, lastly, I beg to remind you this class is, with one exception, the most numerous you have in prisons. This is a strong reason why they should have consideration in this improved age of reformatory effort. May it be well received and carried. I am sure it will be most beneficial in its results."

He (the Earl of Carnarvon) had reason to believe that the success which had attended the reformatories already in existence would lead to the hope that their benefits would in time, become more widely diffused. In arriving at any estimate of the numbers who are reclaimed and who relapse into crime any calculation must be a general one. Much depends upon the character, the occupation of the individual, and the peculiar temptations to which he is exposed on his discharge from the reformatory. But, speaking broadly, the Redhill establishment had reclaimed about 70 per cent, and the London and Northwest Reformatory in the New Road nearly 90 per cent. With regard to the practical result of existing reformatory institutions, it appeared that the establishment at Redhill had reclaimed about 70 per cent upon the number admitted. The London and North-western Reformatory Establishment had reclaimed about 90 per cent; while the Metropolitan Industrial Reformatory, which had dismissed 15 per cent, on account of indifferent conduct, calculated that out of 141 cases there had been only six relapses, and twenty-four persons who had left the establishment had been lost sight of. At the Glasgow House of Refuge the persons reclaimed amounted to 85 per cent, calculated upon 400 cases, and at the admirable establishment at Mettray they were no less than from 85 to 90 per cent. At Mr. Baker's Reformatory in Gloucestershire the result had not been unsatisfactory. The persons reclaimed amounted to 50 per cent, the number of doubtful cases to 25 per cent, and the number of relapses to 25 per cent. When that establishment had been first established it was for the primary purpose of receiving young persons who had undergone four or five convictions, but that class, he was happy to say, had become so scarce under this exhaustive process that the supply was now reduced, and Mr. Baker was compelled to fall back upon first and second convictions. Their Lordships would observe that one very great advantage of these institutions was not only that they reformed these offenders individually, but that they tended to break up those gangs which in large towns rendered it so difficult to deal with young persons in consequence of the impossibility of detaching them from their companions in crime. There was another point, although it might be of secondary importance, upon which he ventured to recommend the measure to the House, and that was, that it would be advantageous upon the score of economy as well as of morality. He had endeavoured to show the practical effect of reformatories upon a criminal population; he had also shown that 25 per cent of the crime which was committed, was committed by persons between the ages of sixteen and twenty years; and if reformatories for offenders above sixteen, which might be established under this Bill, were as successful—and there was no cause to doubt their success—as existing reformatories, it could be shown that a very large saving might be effected to the country by such a measure. Now, what were the comparative expenses of the person and the reformatory system? As regards the building alone, the cost for repairs in prisons amounted to £2 per head. The cost of original building amounted in the case of Pentonville to £170 a head upon the number of prisoners that the prison can contain; in Reading gaol it amounted to £200 per head; in Millbank to £512; and in the prison at York to the enormous sum of £1,200 per head; whereas the expense in Mr. Baker's Reformatory was about £20, and in the London and North-western Reformatory about £17 per head. Then, again, with regard to the cost of maintenance, their Lordships would observe that the cost of a prisoner for three years in prison—and that was the time generally calculated that a man would spend in prison before he was transported—might be fairly compared with that of three years in a reformatory in England and four at Mettray. The average cost of the maintenance of prisoners in gaol was £28 2*s.* 1¾*d.*

per head. Now, the cost at Redhill was £28 17*s*. 7*d*.—according to one of the reports to be ultimately reduced to £20; at the London North-west Reformatory £17; at Parkhurst, 19; Mettray, £12 to £16; and the Metropolitan Industrial, after deducting labour, £20 13*s*. Then, in the case of prisoners, there were other expenses which did not apply to the inmates of reformatories. It was necessary to calculate the expenses of a police organized at great cost, of the magistrates and judges' time, of the prisoner's attendance in gaol, of his conveyance to and fro, of his recapture and reconvictions, and finally of his transportation, which could not be estimated at less than £28; in fact, the whole expense of keeping a criminal in gaol for three years and then transporting him was calculated at £200, independently of the fact that an experienced thief made at least an annual income of £100. On the other hand, the expense of maintaining a person in a reformatory for three years was sometimes £60, and never exceeded £100. Again, the expenses of a lunatic asylum and a reformatory afforded a fair comparison. In both institutions the same quiet control and supervision, the same kind of care and instruction, the same diet and clothing were needed. He would only take two instances. In the lunatic asylum for the North and East Riding, the actual cost of maintenance per head was reduced to of 4*s*. 10*d*., and the profits of labour on the farm amounted to one rent and a half. In Hampshire, even on a thin soil, in 1855, the profits were actually eight rents, and in 1856 four rents. So great were the profits of very cheap or unpaid labour. There was no reason why, in the older reformatories which this Bill contemplated, the institutions should not be made self-supporting, inasmuch as they would be not only consumers, but producers of food. The attention to the clothing and the diet of youths between sixteen and twenty would not exceed what is required in the case of lunatics or younger boys, and their capacity of labour would be far greater; and if a small interest were given to them in the land upon which they were employed, not only would they acquire habits of prudence and frugality, but with the earnings of two or three years they would be in a position to emigrate, carrying with them the qualification and habits which are necessary to colonial enterprize. He had in the present Bill, inserted two clauses, giving power to the justices at quarter sessions to grant money to reformatories, but that solely for building purposes, because he thought that the more reformatories preserved the character of private institutions, the more useful they would prove. The right hon. Baronet (Sir G. Grey) had introduced a few nights since in the House of Commons, a Bill containing somewhat similar provisions. Had he known that it was Sir G. Grey's intention to do so, he probably would not have introduced these clauses precisely as they now stood. He should have also wished to insert another clause in the Bill, but he did not see his way at present to get it passed into law, which would enable the keepers of low lodging-houses, who in many cases were trainers of thieves, to be visited with the same penalties as could be inflicted on parents who wilfully educated their children to crime. The law touched the receiver of stolen goods, but he should rejoice to see it also reach these harbourers and trainers of young criminals; and though he could not see his way at the moment how best to accomplish this, he did not despair of ultimately doing so, and of thus striking at the root of juvenile crime. He thought the Bill would be found, if passed, to contribute materially to the development of the reformatory system, and upon that ground he asked their Lordships to assent to the second reading. The Bill was simply ancillary to the present law; it introduced no new principle, it did not propose to establish adult reformatories, it only extended the existing reformatory schools to an age which would make the law more harmonious, and bring the period of admission and detention into agreement; it would facilitate a better classification of youthful convicts, and would deal with a class to which at present directly 25 per cent of the existing crime was referable, and indirectly at least 50 per cent, but which from character, age, and circumstances, were as yet unconfirmed in their habits. There was a great safeguard against the abuse of the measure, which ought to calm the apprehensions of those who looked with jealousy upon it. But if, on the report of the governor or chaplain, the Home Secretary should feel that there were in any prison youths between sixteen and twenty fit subjects for reformatory discipline—cases where, by a timely change of condition, a future career of sin and suffering might be averted—then, whilst the law was maintained and an atonement was made to society for the transgression of its laws, it was the privilege of the Home Secretary to step in, to grant a conditional pardon, and to modify the iron rule of justice by a fair consideration of the circumstances of the case. The noble Earl concluded by moving that the Bill be read a second time.

LORD BROUGHAM supported the second reading of the Bill. He had had some conversation with the noble Lord who introduced the Bill on the important question which formed its subject. If he were to say that he approved of the whole details of the Bill he should be going a great deal further than he was prepared to go without taking more time to consider the matter. As President of the Reformatory Union, his attention had been called to the very great difference of opinion among the members of the association on the important question whether Government or any of the authorities should interfere in these matters, or whether they should be left entirely to private and voluntary exertions. One very important class among the members of the Union held and supported very strenuously an opinion against any interference of the Government, or Legislature, and amongst those were Mr. Adderley the Recorder of Birmingham, and a lady whom to name was to honour — Miss Mary Carpenter, the founder of one of the most important of the reformatory institutions, at her own proper cost—a circumstance which not only redounded to her credit and honour, but ought to give very considerable weight to her opinion. On the other hand, there was a very powerful body of the same great institution who held a directly contrary opinion, and who, he had no doubt, would be disposed to support this measure, though he had no right to speak for them; but only judged according to the views they usually advanced and supported. Under these circumstances he (Lord Brougham) would only express his approval of the principle of the measure; and he might mention that among those who probably would approve of it was Lord Stanley, whose zeal and general ability were the theme of universal admiration.

EARL GRANVILLE agreed with the noble Earl that it was quite time there was some legislation upon this subject, and that a fair trial should be made of the reformatory system. He felt bound also to acknowledge the ability and zeal with which the noble Earl had advocated the Bill. He would, however, suggest to the noble Earl whether it might not be desirable to leave the subject, for one Session at least, in the hands of the Secretary of State for the Home Department. That right hon. Baronet had not neglected this question; and a Bill was now before the other House, where it would probably be read a second time that evening. That Bill certainly did not go so far as the one proposed by the noble Earl in extending the ages at which youthful offenders could be received into reformatories; but it contained provisions for a vote in aid of reformatory institutions. The real effect of the present Bill was to create a new system of institutions for older offenders. There was a wide difference of opinion among persons of the greatest experience on this subject in reference to this particular proposition, and it would require the most deliberate consideration before coming to a decision upon it. It was no answer to these objections that the measure would be discretionary and optional. Youths between sixteen and twenty, if criminals, were perfect adepts in depravity, and the proposed system would really form a portion of prison discipline. He would, therefore, suggest that the noble Earl should refrain at present from pressing the second reading of his Bill, but should wait until the other Bill came up from the House of Commons, when his proposition could be taken into consideration.

THE EARL OF DERBY thought that although it might be very desirable to know what were the intentions of the Government upon this subject, and to see how far their measure corresponded with and how far it differed from that of his noble Friend, yet that was hardly a reason for rejecting a Bill against which no serious objection had been urged. It was perfectly reasonable that the Government should wish to have a fair field for the consideration of their own Bill, and if they would consent to the second reading of this Bill, thereby affirming its principle, he would recommend his noble Friend not to press it beyond that stage until the Government measure had come up from the other House, when the two could be considered together, and their Lordships could decide how far the provisions of the one could be incorporated with the other. It would be hardly fair, however, to his noble Friend, after the trouble which he had taken, and after the very clear statement which he had made, to reject his Bill when no serious objection had been urged against it.

EARL GRANVILLE said, he understood the principle of the Bill to be the establishment of reformatories for young men between the ages of sixteen and twenty, and to that principle he certainly could not consent, by reading this Bill a second time, to commit the Government.

LORD BROUGHAM suggested that the noble Earl's Bill and the Bill of the Government when it came up from the other House should both be referred to a Select Committee, so that a third Bill might be framed from them.

THE MARQUESS OF LANSDOWNE objected to acceding even in appearance to the new principle contained in this Bill, and he hoped, therefore, that the noble Earl would not press it to a second reading, at least until the Government Bill had come up from the other House.

THE EARL OF CARNARVON was sorry that the Government were unwilling to agree to the proposition of his noble Friend (the Earl of Derby). If their Lordships would give a second reading to this Bill he would pledge himself not to ask them to commit it until the Government Bill was also before them.

LORD BROUGHAM said, that, as many of their Lordships had an objection to assent to the second reading of a Bill with which they did not entirely agree, thinking that, notwithstanding any understanding which might have been come to on the subject, they thereby affirmed its principle, it would perhaps be better to adjourn the debate on the second reading, and thus to avoid giving a vote either one way or the other.

LORD KINNAIRD supported the suggestion of the noble and learned Lord, being equally unwilling to vote against the second reading of this Bill, and to affirm a principle which was objected to by many persons of great experience on this subject.

THE EARL OF POWIS said, he was afraid that if his noble Friend acceded to this proposition he would place himself in a very unfavourable position when the Government Bill came under discussion, for it would then be said that the principle of this Bill was of far too great importance to be tacked on to a Bill which had been agreed on by the other House of Parliament.

THE EARL OF CARNARVON said, he would adopt the suggestion made by the noble and learned Lord, that the debate should be adjourned.

Further debate on the said Motion adjourned *sine die.*

BATHING BILL—SECOND READING.

Order of the Day for the Second Reading read.

THE MARQUESS OF WESTMEATH, in moving the second reading of this Bill, referred to what habitually took place in the way of sea-bathing at Margate and Ramsgate, not because those places were worse than other sea-bathing localities, but because, from their position, they were more frequented by what he called a fluctuating population. The magistrates of those places found themselves unable to grapple with the evils complained of in the present state of the law. The magistrates of Ramsgate petitioned in favour of the Bill, and he was in a condition to say that they and the magistrates of other sea-bathing towns were unable at present to deal with the transactions complained of. No doubt the offence of which he complained—that of unnecessary exposure—was a misdemeanour, but Parliament had often interfered to give additional powers to magistrates in such cases. The necessity for Parliamentary interference had been shown in numerous communications that had been put into his hands—some of these being letters which appeared in the public newspapers in the course of last summer, written by fathers of families bitterly complaining of the scenes which had been exhibited before their eyes. The respectable inhabitants loudly denounced the practices which were carried on, and called for an alteration of the law in order to their repression. At this season of the year it was the practice for women to go down to the sea-bathing places and dance in the water, without any covering whatever, to the great disgust of the respectable inhabitants and visitors; and he thought it was high time for their Lordships to interfere in the way of legislation. The Bill before the House empowered five magistrates in any place to make bylaws and regulations, chiefly with a view to the prevention of this evil, and he proposed also that no one should be permitted to bathe in public without a decent dress. As the regulations would be subject to the revision of the Secretary of State for the Home Department, the provision was not likely to lead to abuse, and he was in hopes that by such means the great evil complained of would be remedied.

Earl GRANVILLE thought any attempt to deal with the matter would tend to throw ridicule on legislation, more especially by dealing with it in the way suggested. The object of the Bill, that of putting a stop to indecency in populous places, could be effected in all important towns which had got an improved Act by passing such by-laws as they thought necessary. It would be quite impossible by the common law to give magistrates the power to interfere in that matter. He thought any of those public bodies were the most proper to deal with questions of that sort. In country districts the evil did not exist, and if it did the regulation proposed would be inapplicable. The noble Marquess applied the Act to England and Ireland; he presumed it was to be applied to Scotland.

The Marquess of WESTMEATH did not intend to apply the measure to Scotland, believing that noble Lords connected with that country would take the matter up as soon as the Act was in operation in England and Scotland.

Earl GRANVILLE said, he did not see why the Act should be applied to England and Ireland and not to Scotland. He thought, from the reasons he had stated, their Lordships would not think it desirable to adopt the Bill, the effect of which, he believed, would be to cast a degree of ridicule on legislation.

The Marquess of WESTMEATH, in the face of opposition of Her Majesty's Government, would not press the Bill, but he trusted the Government would take the matter into their own hands, and endeavour to remove a state of things which was disgraceful to a civilized community.

On Question, *Resolved* in the *negative.*

House adjourned at a quarter past Seven o'clock to Thursday next, half past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, June 16, 1857.

BANKRUPTCY AND INSOLVENCY (IRELAND) BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

Mr. MACARTNEY, who had put a Motion on the paper to move to refer the Bill to a Select Committee, said that he was unable to make that Motion by the forms of the House; but that he would proceed to make the objections which he entertained towards the pecuniary and official part of the Bill, and state the reasons why he thought those clauses should be postponed until they had been referred to a Select Committee. The Bill proposed to abolish the present Courts of Bankruptcy and Insolvency in Ireland, and appoint one Court for the disposal of the business now performed by the two Courts. In taking that course it had been deemed expedient to deal with the officers of the existing Courts in a manner which, in his opinion, was scarcely fair with reference to the public funds. The salaries of the Judges had been formerly paid out of the Consolidated Fund, and that of the officers by Votes in the Estimates. It was now proposed to pay all the salaries out of the Consolidated Fund. Under the Act which constituted the former Courts there was no provision for retiring pensions. Under the new Bill retiring allowances were given, and both the Commissioners of Bankruptcy—who were old men and had served twenty years in these Courts—would be entitled to claim, the day after the Bill passed, a retiring allowance of £1,300 a year instead of £1,000 a year, to which they would have been entitled under the former arrangement. The Commissioner of the Insolvent Court could retire at once on his full salary after only three years' service. He should suggest that the senior Commissioner of Bankruptcy should retire at once on the old allowance, and that the other should be made first Judge, and the Commissioner of the Insolvent Court be appointed the second Judge. It would have been far more satisfactory to the people of Ireland, and to those who would have to vote the money, if a Commission had been appointed to consider this subject, and to say what alterations and what consolidations were necessary; and, also, from what source salaries and compensations were to be paid. He suggested that much might have been done to deal with the bankruptcy business by transferring a good deal of it to the assistant barristers, and reducing the establishment in Dublin. This Bill consisted of 411 clauses; those relating to Bankruptcy and Insolvency being so mixed up that it would require a Select Committee to put them into shape. The charge for salaries and compensations, taking them together, would be £14,542. It would be desirable, therefore, he repeated, that the pecuniary and official clauses should be suspended until the opinion of a Select Committee should be obtained upon them, and he thought that Committee ought to consist of hon. Members unconnected with Ireland. He complained of a loose system which had sprung up between the Government here and the Government in Ireland, by which upwards of £37,000 had in two years been paid out of the Civil Contingencies towards the bankruptcy compensation fee fund and the suitors' fee fund in Ireland. Holding these opinions, he hoped the right hon. and learned Gentleman the Attorney General for Ireland would consent to postpone the pecuniary clauses until after a Select Committee had reported upon the subject.

Mr. VANCE thought the right hon. Gentleman the Attorney General for Ireland was entitled to the thanks of the Committee for those portions of the Bill which had a tendency to place the law of Bankruptcy and Insolvency in Ireland upon a better footing than that upon which it now stood. He was, however, opposed to the proposal to confine the operation of that law to a single Court, because, owing to the increasing commercial prosperity of Ireland, he did not think one Court would present the necessary facilities for the increased number of traders who would be likely to resort to it for assistance. What was required was a simple law of Bankruptcy and Insolvency, and he thought it would have been better to have dealt with those subjects by two separate Bills unencumbered with any provisions for salaries and compensations. He might also state that the Bill, instead of providing for the immediate retirement upon a large salary of the present Judge of the Insolvent Court, might more properly have made his services available in the new tribunal.

Mr. WHITESIDE said, the granting of £2,000 a year more or less for the purpose of portioning the eldest daughter of the Sovereign had given rise to considerable discussion in that House, but he should like to know in how many instances the public money had been expended in Ireland in abolishing offices whose occupants, men in health and vigour, were now walking about and receiving large salaries for doing nothing. He intended to move for a Return of the number of those offices, for he felt assured that the Committee would be surprised at it. That state of things the Bill under their notice tended to continue; but while he was opposed to it upon that ground, he objected to it also upon the principle that it was in no way calculated to place the laws with which it proposed to deal upon a satisfactory footing. It did not, for instance, provide for the abolition of that distinction between the laws of insolvency and of bankruptcy, for the maintenance of which he had never been able to hear any good reason assigned. He could never understand upon what principle of reason or justice it was that the trader who had given up all his property to his creditors was allowed to start anew in life, while the non-trader, who did the very same thing, was placed in exactly a contrary position, inasmuch as his creditors possessed a lien upon any property which at any period subsequent to his insolvency he might acquire. Now, that was a point which, in any measure dealing with the bankruptcy and insolvency laws, ought, in his opinion, to be taken into careful consideration. The Bill before them, however, not only did not deal with that important question, but would be found to perpetuate that conflict of jurisdiction between the existing Courts of Bankruptcy and Insolvency, of which, by the establishment of one Court instead of two, it was proposed to get rid. It was also open to the objection that it was likely to throw an increased charge of £7,000 or £8,000 upon the consolidated fund, taking into account the extent to which the expense of the judicial staff, in the shape of salaries and retiring allowances, might, under its operation, be increased; for while the Bill abolished certain offices, it gave to the holders of them their full salaries for life, although some of those persons had not held their situations for more than three years; and some of these salaries were over £2,000 a year. Under this Bill those persons could retire, and then new Judges would be appointed for the new Courts, so that, in point of fact, under this Bill there would be two sets of Judges at full salaries. The measure therefore was, in his opinion, calculated to entail a considerable charge upon the country without any corresponding benefit, and he should under those circumstances, suggest that it should be referred to a Select Committee, which should include one or two commercial and legal gentlemen, with the view of having the subject to which it related dealt with in a satisfactory and comprehensive manner.

MR. MALINS said, he concurred with his hon. and learned Friend who had just spoken in the opinion that no good reason existed why the present distinction between the bankruptcy and insolvency laws should be maintained. He had asked the question why such distinction existed over and over again, of learned Friends, but he had never been able to obtain a satisfactory answer. The object in the case of the trader as well as the non-trader being a *cessio bonorum* for the benefit of the creditor, he could not understand why they should be placed upon a totally different footing. He might also observe, that while the bankrupt, as a general rule, was not liable to imprisonment the insolvent was, and that his confinement operated in many instances to the complete ruin of his family, and of his future prospects in life. He especially dwelt on another very important difference in the practice of bankruptcy and insolvency, namely, that in the former there was an appeal to the Lords Justices in Chancery, while in the latter there was no possible appeal from the decision of the Commissioner of the Insolvent Court. He had hoped that that anomaly, as far as Ireland was concerned, would be remedied in the present Bill. If the absurd distinction between bankruptcy and insolvency was to be preserved, he objected to the law being administered in one Court. The subject was one of the utmost importance, and he should therefore advise his right hon. and learned Friend the Attorney General for Ireland, as there was no reasonable prospect that the Bill, with its 400 clauses, would pass into law during the present Session, that the question with which it proposed to deal should be referred to either a Select Committee or a Commission. With that view he should move that the Chairman should report progress.

MR. HADFIELD said, it was high time that some steps were taken to amend the present state of the law as to the imprisonment of debtors, which, he contended, was altogether unnecessary, and only productive of ruin to individuals. Again, the power of imprisonment for contempt of the orders of the Court of Chancery was most cruel and vexatious. There were persons who had been imprisoned for thirty years, and he himself had been concerned in a case in which two ladies had been imprisoned for fourteen years for contempt of the Court of Chancery, their only offence being the refusal to give up a paper which they considered they were justly entitled to withhold. These imprisonments for debt and contempt were a scandal to the law, and he hoped the Government would at length abolish them.

MR. MALINS said, he entirely concurred in thinking it was a monstrous evil that persons should be imprisoned for years for debt or contempt. He begged, however, to assure the hon. and learned Gentleman the Member for Sheffield, in whose remarks he entirely concurred, that there was a class of persons who were so enamoured of imprisonment that they would not be set at large. He knew a case in which a man (a client of his own) was twenty years in the Queen's Bench, and positively refused to leave, when an order for his liberation was obtained, notwithstanding that he had been constantly making applications to the Court with that view; while, in another instance, he knew that a lady who was directed to give up certain deeds sat upon the box in which they were deposited, and declared that no power on earth should remove her. For all he knew she was sitting on that box at the present moment. He thought the only way to meet such cases would be to arm the Court of Chancery with powers to open boxes and execute deeds. The hon. and learned Gentleman concluded by moving that the Chairman report progress—a course which he said would, under all the circumstances, be the most convenient to adopt, in order to have the subject reconsidered.

MR. J. D. FITZGERALD said, that the course which had been taken by the hon. and learned Gentleman the Member for Enniskillen in introducing in Committee upon the Bill the discussion of an important principle was attended with great inconvenience. The present was the third year in which the Bill had been before Parliament, and he certainly could not—seeing that it had been upon the point of passing last Session had it not been that he had been a day too late in complying with the standing orders of the House of Lords—consent to throw it over altogether by complying with the suggestion to refer it to a Select Committee. He would remark, too, that the Bill had been printed since last Session, and that copies of it had been widely circulated with the view of inviting criticism and amendment, but that no suggestions had been offered to improve the measure. The object of the Bill was to consolidate the law of bankruptcy in Ireland, which was scattered over numerous Acts of Parliament. He had not ventured to deal with the large question of the difference between bankruptcy and insolvency in this Bill (which was a great improvement on the present state of the law), but it would not interfere hereafter with the settlement of that question if at any time hereafter Parliament should choose to entertain it. He entertained his own views, however, upon that subject, and he might, perhaps, state, in answer to the observations of the hon. and learned Member for Enniskillen, that some reason for the existence of a distinction between both classes of laws was to be found in the circumstance that while the trader was exposed to the loss of his property in the legitimate course of business, and without any fault of his own, the property of the non-trader was not exposed to similar vicissitudes. The Bill had been most carefully considered, and the arrangement of the clauses was made in the most convenient form. He had been assured on good authority that the Insolvent Court in Ireland was not only unnecessary but actually a mercantile nuisance, and that it would contribute to the facility of mercantile transactions if that court was amalgamated with the Court of Bankruptcy. He could never see why the same law should not be applied to all cases of the administration of property in relation to debtor and creditor, and with this view he had framed the machinery for the discharge of insolvents ; he had arranged that the dealing with the property of bankrupts and insolvents should be administered in the same way by one court. When he came to the financial clauses of the Bill, he should make a statement in which he thought he should be able to show that the proposed alteration would not be attended with additional expense, but there would be a permanent diminution of the public expenditure to the amount of £3,000 per annum in relation to this court. The present financial condition of the Courts of Bankruptcy and Insolvency was most unsatisfactory and oppressive, for the procedure in the former was the same as that of the old bankrupt law of England, and was still cumbered with such excessive fees and expenses that, practically, few bankruptcies could be dealt with. All this was to be done away with by this Bill, and the simple process now in practice in England adopted. His only object was to create one good mercantile tribunal for two bad ones, and which would be as cheap and as accessible as possible.

Mr. HENLEY expressed a hope that, as the morning sitting had been fixed partly at his suggestion, and as it could not be anticipated, that the important question relating to the distinction between the insolvency and bankruptcy laws would be raised in Committee, his hon. and learned Friend the Member for Wallingford would not press his Motion to report progress.

Mr. MALINS said, he would withdraw his Motion for reporting progress.

Clause 1 *agreed to*, as were also Clauses 2 to 28 inclusive.

Clause 29.

Mr. VANCE moved to leave out the words "Lord Chancellor," and insert "Court of Appeal in Chancery."

Mr. J. D. FITZGERALD said, the appeal followed the course now usual in Ireland of appealing from the Lord Chancellor to the Court of Appeal.

Mr. Malins, Mr. Serjeant O'Brien, and Mr. Bland thought the Amendment desirable.

Mr. J. D. FITZGERALD said, he would adopt the Amendment.

Clause, as amended, *agreed to*, as were the subsequent clauses to Clause 33.

Clause 34 *struck out ;* Clauses 35 to 45 *agreed to ;* Clause 46 *postponed;* Clauses 47 to 67 *agreed to.*

Clause 68.

Mr. VANCE moved that it be struck out, as there was no similar provision for securing the costs of the official assignee in the English law.

Clause, with an Amendment, *agreed to.*

Clauses 69 to 83 inclusive were *agreed to.*

Clause 84, which provides a retiring salary for the present Chief Commissioner of Insolvency, Mr. Hatchell, having been put,

Mr. MALINS asked why it was proposed that that gentleman should retire? He understood that he was still in the prime of life, and perfectly competent to discharge the duties of a Judge of the new Court.

Mr. J. D. FITZGERALD said, that Mr. Hatchell was perfectly willing to continue to perform his present duties as Chief Commissioner of the Insolvent Court, and perfectly competent to their discharge. As the operation of the Bill, however, would be substantially to continue the Court of Bankruptcy, it had been thought advisable to retain the services of the Judges of that court. In the case in which a person retired upon his own mere motive, or from ill-health, it was certainly usual to allow him only two-thirds of his salary by way of a retiring pension, but the contrary was the case when an office was abolished, and its occupant was absolutely compelled to retire from his situation. He might also observe that Mr. Hatchell must now be in his seventy-second or seventy-third year.

MR. MALINS said, that explanation had removed to a great extent the objection which he entertained to his retirement with so large a salary.

MR. AYRTON thought the proposed compensation was fixed at too liberal a rate, and he should therefore propose that it be reduced to two-thirds of the Chief Commissioner's present income, or that it should be made compulsory upon him to fill any other office to which the Government might hereafter deem it desirable to appoint him.

Clause *agreed to,* as were the remaining clauses up to Clause 152.

The House resumed ; Committee report progress ; to sit again this day.

THE PAPER DUTY—QUESTION.

MR. DILLWYN asked the Chancellor of the Exchequer, Whether it is the intention of Government to levy the Paper Duty on materials capable of being written on and printed on, but made from animal fibre; or to leave such materials exempt from duty, as parchment is now.

THE CHANCELLOR OF THE EXCHEQUER said, he understood that a company had been formed for the purpose of manufacturing a substance resembling parchment from animal fibre. The matter had been considered by the Board of Inland Revenue, and the opinion given by their solicitor was, that this material, though partially resembling parchment, which was not subject to duty, came, nevertheless, from the mode of its manufacture, within the legal designation of paper, and was therefore liable to the tax.

THE GERMAN LEGION—QUESTION.

MR. ADDERLEY asked the Secretary for the Colonies, Whether the Cape Legislature has determined to diminish their vote of £40,000 towards the expense of locating the German Legion on their frontier by two-thirds, in proportion to the diminished number of the Legion which has gone out; and diverted, in consequence, two-thirds of that sum to other purposes ?

MR. LABOUCHERE said, he had to apologize to the hon. Gentleman for having overlooked the question that he had put upon the Votes. His impression, however, was that no accounts had been received of any such change of purpose as that alluded to on the part of the Colonial Legislature at the Cape. If, however, he found the fact to be otherwise he would apprise the hon. Gentleman of it, so that he might have an opportunity of repeating his question.

WORKHOUSES (IRELAND).

COMMITTEE MOVED FOR.

MR. FAGAN rose to call the attention of the House to the present state of the Workhouse System in Ireland, and in connection therewith, to the laws relating to Medical Charities and the Relief of the Sick Poor, and to move for a Select Committee to take the subject into consideration and report thereupon. The hon. Gentleman commenced by contrasting the deplorable condition of Ireland in 1849, when the last Committee sat on this question, with the improved circumstances of that country at the present moment, and proceeded to contend that the time had arrived when the Irish Poor Law system should again undergo a thorough investigation. In 1849 Ireland was suffering from three years continued famine, and great alarm was spread through the length and breadth of the country by reason of the destitution which prevailed. At the time when that Committee sat, over one million of persons had been relieved. Out of 131 unions, 117 had received assistance, and over 500,000 houses, which were described as fourth-class houses, mostly inhabited by operatives and labourers, had been visited. The average amount of the poor's rate reached 5*s.* in the pound, and in some cases it exceeded 20*s.* That was the condition of Ireland in 1849. At present the state of Ireland was a state of prosperity, and the average poor rate in that country was now eleven-pence in the pound. The workhouses were calculated to contain 300,000 inmates. At the present time there are only 50,000 in them, and these were principally women and children. Many of the workhouses had scarcely sufficient men in them to keep them in repair. In one workhouse there were sixty-four inmates, and the salaries of officers amounted to upwards of £400; in another there were fifty-eight paupers, and the establishment charges were £450 a year. These were but samples of many. One-half of the destitution of Ireland was at present relieved by from twenty-five to thirty of the 163 unions of that country, and the Committee which he asked the House to appoint ought to inquire into the means of more fairly distributing the burden over the unions generally. The Committee would also have to consider how the Poor Law could be perfected for the benefit of the poor in Ireland, and whether the workhouses, now nearly empty, might not be made available for the reception of the sick poor, by which means the expense of building new hospitals need not be incurred. It had been proposed to enlarge the unions, but he was opposed to that proposition, because the distance the poor would have to travel to ask for relief would be so great as practically, in many instances, to amount to a denial of relief altogether. Another proposition was to close some of the workhouses, and to transfer the paupers to some central house, but the objections to that plan were that if they were transferred to a workhouse in a town, the paupers would sooner or later become chargeable to that town, and if the workhouse were in a rural district they would be removed too far from their homes. The hon. Member then referred to the second Report by the Irish Poor Law Commissioners upon Medical Charities, and expressed his entire concurrence in the recommendations which those gentlemen had offered. The Commissioners submitted that a system presenting the anomalies which had been detailed to them required alteration in three points. In the first place, they suggested that the county should no longer be continued as the area of taxation for infirmaries and hospitals; secondly, they recommended that the distribution of the buildings to be hereafter maintained for those purposes should be effected in such a way as to extend the benefits of those institutions as equally as possible to the entire locality taxed for their support; and thirdly, that the general arrangements to be made with that object should embrace the whole of Ireland. At present the county infirmaries were kept up by the grand jury cess, but they were to a great extent useless institutions, and in order to economise the workhouse space it had been suggested that the county infirmaries should be abolished, and that the workhouses should be devoted to hospital purposes. His plan was that a portion of the workhouses should be set entirely apart—cut off, as it were—and appropriated for that purpose. The Boards of Guardians should not be the governors of these infirmaries; but, in the same manner as dispensary committees applied to the guardians for the means of support, the governors of the infirmaries should apply to them. The Boards of Guardians were not, however, to have the management of the infirmaries. By these means he thought that the feeling which now existed in reference to these workhouse-hospitals would be removed. He suggested that payments from the sick poor might be permitted for medical treatment in the infirmaries. Great abuses existed in the present dispensary system in consequence of wealthy farmers receiving tickets entitling them to be visited in sickness by the physicians of the dispensaries, and he was of opinion that with the institution of infirmaries having accommodation for the reception of patients this abuse in respect to visiting tickets would cease. With respect to the payment of medical officers, he had always thought it singular that the medical officers attending the unions in England should be paid out of the Consolidated Fund, and in Ireland out of the rates; but he was not disposed to press the point very strongly on the House, for he was anxious that the Irish should aid and assist themselves. There was another branch of the subject which deserved consideration. School districts had been established in unions in Ireland, and so long as the schools received orphans or children with the consent of their parents there could be no objection to the schools, but an alarm had been created by attempts to force children into the schools. He was afraid that this abuse would cause the abandonment of the school-district system; but he did not see why reformatories might not be established in Ireland. He would point out that in many unions in Ireland the elected guardians of towns which contributed three-fourths of the funds were, by the manner in which the electoral divisions were arranged, completely overwhelmed by the rural and *ex-officio* guardians. He trusted that his right hon. Friend the Secretary for Ireland would inaugurate his first year of office, by taking up this question. He would, therefore, conclude by moving for the appointment of a Select Committee to consider and inquire into the present state of the workhouse system in Ireland, and the operation of the laws relating to Medical Charities and the relief of the sick poor.

MR. BEAMISH seconded the Motion.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the present state of the Workhouse System in Ireland, and in the Laws relating to Medical Charities and the Relief of the Sick Poor, and to report thereupon to the House."

MR. H. A. HERBERT said, that he thanked the hon. Gentleman for his kind expressions with regard to himself, and assured him that in all the differences to which he alluded he had ever found him fair and candid in his arguments; but, although he admitted the justice of many of the arguments urged by him, and the general accuracy of his statement of facts, the conclusions at which he arrived differed in some respects from those drawn by the hon. Gentleman. The hon. Member had alluded to the prosperous condition of Ireland, to the excellent working of the Poor Law, to the diminution of pauperism, and to the simultaneous reduction of rates, and it certainly appeared to him (Mr. Herbert) that these were reasons against the appointment of a Committee to inquire into the operation of a law which was shown to have worked so satisfactorily. He thought, also, that the House ought to pause before it assented to the Motion, because nearly all those hon. Members who were conversant with the subject would be occupied during the remainder of the Session upon Committees which had already been appointed, or upon the Election Committees which would shortly be appointed; and if the Committee was not composed of hon. Members who were acquainted with the question, its recommendations would not have that weight which the hon. Gentleman undoubtedly wished them to possess. Another reason against the appointment of the Committee seemed to him to be that Parliament already had access to a sufficient amount of information to enable it to form a correct opinion on this subject, and he thought, therefore, the Government might fairly be called upon to legislate, at no distant period, in the direction indicated by the hon. Gentleman. He agreed in the observations of the hon. Gentleman with regard to the infirmary system, which he believed had operated with great injustice in many districts of Ireland. There could be no doubt that it was unfair that establishments which only conferred benefits on limited districts in their immediate vicinity, should be supported by the rates of the whole of the counties in which they are situated; and if a fair proposition could be made for the alteration and improvement of that system it would, in his opinion, deserve the most serious consideration of the House. He could not pledge the Government to any action during the present Session, but he thought the House was in possession of documentary evidence amply sufficient to justify legislation. The hon. Gentleman had shown himself so conversant with the question, that he must know that steps had already been taken in respect of the poor law which went to meet his views. He was doubtless aware that fever hospitals had already been established in a great majority of the Irish Poor Law unions, and the last Report of the Poor Law Commission showed that the system of medical relief, to which he had alluded, had considerably increased and was in the course of extension in Ireland. It was quite true that many of the admissions to the workhouse hospitals were not strictly legal, and he therefore deemed it desirable that a change should be made in the law. He granted that the time had come when it would be desirable to make a change in the law for the admission of sick paupers; and agreed in the remark of his hon. Friend as to the space now available, and likely to be available, for that purpose. Indeed he could not conceive that that space could be applied to a more useful purpose than that of establishing the species of hospital which his hon. Friend described. But in saying this, he would add, that unless the proposition for dealing with this important question received the most careful consideration, they would run some risk, inasmuch as it had been shown that the Poor Law system was at present working admirably in Ireland. He (Mr. Herbert) could not agree with his hon. Friend that it would be advisable to mix up the question of reformatories with that of the Poor Law, and, without expressing any abstract opinion as to the propriety of introducing reformatories into Ireland, he hoped that whenever such a proposition was brought forward it would be altogether unconnected with the Poor Law system. His hon. Friend had alluded to the applications which had been made for the amalgamation of unions in Ireland. When it appeared that in some instances there was a very small number of paupers in places where extensive accommodation was provided, persons were apt to imagine that considerable expenditure must be incurred; but he (Mr. Herbert) believed it could be easily shown that such large accommodation did not necessarily involve a great expenditure, and that if the Poor Law Commissioners had acceded to the proposition which had been made to them, it would not have led to the saving which was anticipated by its advocates. On any proposition for the amalgamation of unions they must not forget, however, that it was their duty to regard the interests of the poor as well as those of the ratepayers. He, therefore, could never give his consent to any sweeping amalgamation of unions. At the same time he thought that each case should be considered upon its own merits. He did not say that there were not cases in which amalgamation might be desirable and advantageous; but he could net forget that the Poor Law Commissioners, who had dealt with the subject with great fairness, temper, and discretion, had by their representations induced many parties anxious for amalgamation to remain satisfied with the existing state of things. Without saying, therefore, that he believed it possible in the present Session to legislate in the direction to which his hon. Friend had pointed, he might state that the attention of the Government had been turned to the subject, and that, in his opinion, the time had come when they might hope to have a measure proposed which, to a certain extent, would carry into effect the views which had been so ably and so temperately laid before the House. Under these circumstances he hoped that his hon. Friend would not press his Motion for a Committee.

Mr. FAGAN said, that after the statement of the Secretary for Ireland, and on the understanding that the Government would as soon as possible take the subject into their own hands, it was not his intention to press his Motion to a division.

Motion, by leave, *withdrawn.*

POOR RATES (METROPOLIS).

COMMITTEE MOVED FOR.

Mr. AYRTON, in rising to move for a Select Committee to inquire into the causes of the inequality of the poor rates in the metropolitan district, and whether any measures should be adopted to render the

rates more equal, said that he thought it hardly possible to exaggerate the importance of the subject which related to the interests of no fewer than 2,500,000 people, and which would affect property of the annual value of £14,000,000, and to rates upon that property amounting to the sum of £869,000 yearly. Such a question undoubtedly claimed the serious attention of the House and of Her Majesty's Government. He believed it was not the desire of Ministers that this question should be considered upon the present occasion. He should be at a loss to account for that disinclination on the part of the Government if, when the subject was first brought under his notice, he had not been somewhat indisposed to give it his attention; but he must confess that he had acted from an imperfect knowledge of the subject, and he was therefore disposed to believe that any opposition to his Motion might result from the same cause, which he should no doubt be enabled to remove. He admitted, indeed, that he should have hesitated to take up a question of such difficulty had he not been requested to do so by a number of gentlemen who were always entitled to consideration. He alluded to many of the clergy of the Established Church, who had interested themselves in the bearings and details of the subject. Those gentlemen were the ornaments of their profession; they received exceedingly small stipends, and they discharged most onerous duties; they were well acquainted with the poor, and had many opportunities of examining into the condition of the people. If he (Mr. Ayrton) had been applied to by the higher dignitaries of the Church, he should probably have left them with their influence to take care of themselves; but when appealed to by the gentlemen to whom he had referred, he felt himself bound to bring the question under the consideration of the House. Some hon. Members were afraid to touch this subject, because they apprehended it would lead to investigations over a large area under circumstances that would be prejudicial to the landed interests; but he wished it to be distinctly understood that he confined the question, both in principle and practice, to the metropolitan district, which he thought had no necessary connection with other parts of the country. In no other locality would they find such extensive interests as he had described contained within the limits of 150 square miles, embracing 186 parishes. Many circumstances relating to the management of the poor in the metropolis were very different from those which existed in the provincial districts. The inhabitants of an ordinary parish in the country were generally congregated round the church, and separated by a broad belt of land from those of another parish, whereas in the metropolis there was no line of demarcation between one parish and another, and scarcely any one would know the parish in which he lived, were it not for the visits of the collectors of rates. It was true they knew in a general way that there was a parish of St. George's-in-the East and a St. George's-in-the-West, but one side of a street was in one parish, and the other side in another; houses were built on the very margins, and the whole town was blended, as it were, into one community. Nor was the position of the metropolis less exceptional if regarded from another point of view. If they took any one branch of industry, they would find those connected with it spread over the whole metropolitan area. While the home of the sailor and the dock labourer was in St. George-in-the-East, the office of the shipowner was in the city, and the merchant resided with all his wealth in St. George-in-the-West. So it was with other branches of industry. The silk and velvet produced by the weaver of Spitalfields was worn by the high-born lady of Belgravia or Mayfair, and the shopkeeper who bought from the one and sold to the other carried on his business in Regent Street or Bond Street. The needlework which found its best market in the centres of rank and fashion proceeded from the hands of the sempstresses of Lambeth and Chelsea. Take, again, the case of domestic servants. The domestic servants who required parochial relief did not walk direct from Grosvenor Square to the workhouse, but removed to some remote district, where they became impoverished, and thus ultimately fell upon the rates of a parish far from the place where they had been employed. There was yet another class which was frequently burdensome to the rates, and which was still less agreeable to refer to. He meant the class of illegitimate children. Women in the lower ranks of life sought to hide their shame in the obscure portions of the town —in parishes where the poor-rates were already large, and those parishes had to support them, and ultimately their illegitimate offspring. The rich congregated in particular localities, and because those localities were rich, new houses were constantly being built for the occupation of the rich; but there were other localities where poor people collected, and because they were poor, houses were built for the occupation of that class. It was in the very nature of things that great cities should be separated into quarters. There were quarters for the court and persons of rank, for wealthy merchants, for the manufacturers, and for industrious artizans. It was so in Paris and in every city which he had seen. But the interests of the employers and the employed were mixed up together, and was it fit, he asked, that by some artificial line of demarcation the rich should enjoy their wealth without contributing anything substantially to the assistance of the poor, who were taxed in their own districts for the relief of the poor around them. Legislation, he was bound to say, had tended seriously, but he hoped unintentionally, to aggravate the evil. In the earlier history of the poor laws, the poor acquired a settlement by a service of forty days. Afterwards a year's service gave a settlement, but after some time a law was passed which declared that a man should not be removable if he became chargeable in a parish having been serving in it for five years. The effect of this alteration was that all domestic servants were remitted from the parish in which they had served to the parish in which, when ill or out of service, they were compelled to reside. A fashionable house was not made a hospital for sick servants, still less an asylum for females in a certain condition. Servants turned out of such a house, were compelled to go into the poorer parishes, and when their small surplus earnings were spent, they became chargeable there and not in the parishes where they had served. The effect of the law was manifested in an extraordinary manner in St. George's, Hanover Square, where, soon after it had passed, the poor rates fell from 2*s*. 6d. in the pound to 1*s*. 4*d*., and ultimately to 5*d*. There appeared to be great injustice in the operation of the law, and a rigid inquiry therefore became necessary. If he turned to the effects of the state of things he had described on the rating, the anomalies were still more striking. He begged to draw the attention of the House to a comparison between the London Docks and the St. Katherine Docks. Both these companies were great employers of labour; but it so happened that St. Katherine's Dock constituted a parish in itself, while the London Docks formed part of a large parish, in which resided nearly the whole of the labourers employed in the St. Katherine's Docks. The consequence was, that the London Docks contributed very large sums to the relief of the poor, and the St. Katherine's Docks contributed scarcely anything. He found by the returns that the payments by the London Docks was £19,000 a year for poor rates, and the payment by the St. Katherine Docks was only £714, and this, although the two docks adjoined each other, separated only by a party wall. [An Hon. MEMBER: What is the amount of rating?] He (Mr. Ayrton) could not answer that, for the St. Katherine's Docks rated themselves. The Royal Exchange was one of the most valuable properties in the City; there the merchants congregated to transact their business—connected, for the most part, with the shipping and other industrial interests, and the employers of persons living in the poorer parts of the metropolis. The annual value of the Royal Exchange must be immense, and yet it paid only £70 a year for poor rates; while the Apothecaries' Hall paid £230 a year. He would take another illustration. The twenty houses on the east side of Bridge Street, Blackfriars, paid £1,200 a year for poor rates, while Lombard Street, King William Street, and Gracechurch Street, paid only £615 a year. These illustrations were sufficient evidence of the absurdity of the present local rating, it so happening in many cases that a small area, forming in itself a parish, was occupied by banks, insurance offices, and places of that description, without any resident poor, who were obliged to reside in poorer and heavily burdened localities. Thus the employers of labour almost wholly escaped taxation, and industry was left to support its poor. Such extravagant absurdities in the application of the laws demanded the immediate attention of the Government and of the House. He found fourteen rich parishes rated at £172,000 which paid £6,950 for poor rates, while fourteen poor parishes rated at £62,000 paid no less than £11,350 for poor rates. That was an extravagant extent of inequality. The relations of increase and decrease in the rates were no less striking. In many wealthy parishes the poor rates were decreasing, while in the less rich parishes they were increasing, the reason being that particular streets and districts were devoted to particular occupations. Banking-houses and insurance offices attracted similar establishments into their neighbourhood, and these offices took the place of the houses in which the poor had formerly dwelt. These poor persons were thus driven into the poorer localities, and had to be provided for there, to the increase of the poor rates. The rates of some parishes had increased on an average of only 2*d.* in the pound, while the less wealthy had increased as much as 1*s.* 2½*d.* in the pound. He would not trouble the House with all the details that he held in his hand. He did not ask the House to come to a Resolution on the subject, but only to investigate the facts, and to inquire whether, if they were true, they were to be ascribed to causes such as he had suggested. The political effect of the system was, that in those localities where industrious persons resided who were entitled to the franchise from renting a house of £10 a year value, the payment of a rate of 5*s.* or 6*s.* in the pound had virtually the effect of increasing the qualification to £12 or £13. If they looked to these heavy poor rates as a charge upon income, what an enormous addition a payment of £3 or £4 a year upon an income of £50 became; while in the wealthy parishes this charge did not amount to more than £5 or £6 on an income of £500 a year. If this were a question of money alone it would be entitled to the gravest attention, for there was no injury more keenly felt by Englishmen than an unjust pecuniary demand upon them. But he had been told by clergymen that the social effect upon the ratepayers in those localities where the rates were so high was of the most pernicious character. When they asked for benevolences for religious purposes the clergymen were presented with the poor-rate bills, and were told that nothing could be given with rates at 5*s.* or 6*s.* in the pound, and that they must go to the fashionable parishes at the West End, where people paid only 5*d.* or 6*d.* in the pound. Thus the clergy could get neither sympathy nor support for their religious and social institutions, because the ratepayers were subjected to such gross and crying injustice. They were told that the rich, who lived in the lightly taxed parishes, were the patrons of hospitals and charities, and that this or that Peer took the chair at a charitable dinner and gave five or ten guineas to the funds; but casual donations by the wealthy could never be accepted as an equivalent for the injustice of the present system of rating. The total amount of such donations did not perhaps reach a halfpenny in the pound upon the parishes inhabited by the individuals in question, when the lowest measure of justice would exact a payment of 6*d.* or 9*d.* in the pound. These were contributions which the law intended to levy, and which these wealthy persons only escaped by its abuses or defects. The intention of the Act of Elizabeth was that the rich should be chargeable for the relief of the poor—not that land and house property should be alone chargeable, but that the inhabitants of the houses and the occupiers of land should be chargeable. The intention of the Act was that the inhabitants should pay as in the nature of a property and income tax for the relief of the poor. At first the poor rate was levied on property of every form: but by the ingenuity of lawyers the construction of the law had been gradually narrowed. If a man trading in a house was to be rated for that house, why should not the hidden property of the wealthy—their money in the funds—be rated? He entirely subscribed to the sentiments contained in the Report of the Committee of the House of Lords in July, 1850. That Committee stated that the relief of the poor was a national object towards which every description of property ought justly to contribute, and that a great injustice was done to the proprietors of land when they alone were compelled to pay according to their property and other ratepayers according to the rental of their houses. A remedy for this defect had been often considered, and when the poor law first came under review that subject engaged much attention. A permissive clause was inserted in the original New Poor Law Act enacting that the area of rating and of poor law management should be extended if the inhabitants of adjoining districts consented. No such consent had been given because people could not be brought to coincide with regard to their relative interests. Though Parliament had not attempted to legislate for the whole country, it had dealt with peculiar and special cases. For a long series of years special Acts were passed from time to time to regulate the rating of particular cities in the kingdom; and the result had been, not so great as might have been expected, but enough to show that he was not now asking the House for the first time to attempt anything novel in regard to the rating of the metropolis. He held in his hand a Report on the law of settlement and removal, and there he found it stated that the saving which would have been realized if the whole of England and Wales had been divided into unions for the purposes of rateing, would in the last century have been equivalent to one quarter of the national debt, while the amount of demoralization which it would have prevented would have been incalculable. Attempts were afterwards made to deal with this exceeding difficult question, previous legislation and the Report to which he had just alluded having failed to bring about any practical results. In 1847 a Committee sat to investigate the whole question, and the result was embodied in a Resolution to the effect that the narrowness of the area of chargeability was one great source of the general evils of administration, that residence of persons likely to become chargeable was prevented within the area, and that it was desirable to extend the area of rating to the relief of the poor. That was a further proof that he (Mr. Ayrton) was asking the House to investigate this question with a view to legislation on principles which had received the sanction of men of great eminence in connexion with the Poor Law. After the Report of the Committee of 1847 the subject appeared to have engaged the serious attention of the Poor Law Board, and the late Mr. Charles Buller introduced a Bill to the House which proceeded on the footing that he (Mr. Ayrton) had already explained. Mr. Buller did not attempt to deal with the whole question, but he put into the Bill a schedule of certain towns and cities in the kingdom, in which all the parishes were to be united into areas of rating. It was satisfactory to him (Mr. Ayrton) to know that he was now following precisely in the track marked out by that distinguished man on that occasion, and sanctioned by the Poor Law Board of that day. In 1854—he passed over some intermediate transactions—the then President of the Poor Law Board (Mr. Baines) brought forward another measure with the view to mitigate the evil. That Bill proposed that there should be relief in unions, and that the contributions from parishes which were underrated towards that relief should be gradually increased by 10 per cent until the charge for the poor was uniform throughout the area. He (Mr. Ayrton) had been informed that the Bill in that respect was received with great satisfaction by all those who were familiar with the subject, but because it contained provisions respecting the compulsory removal of the poor it failed to conciliate the support of hon. Members connected with Ireland and Scotland, and was therefore abandoned. He would appeal, however, to the right hon. Gentleman (Mr. Baines) whether it was not the fact that in so far as it proposed to extend the area of charge it was received with satisfaction by the House. Undoubtedly, up to this time there had been great difficulty in dealing with this question, because it was only in the last Session of Parliament, after years of legislation, that a measure was passed by which extra-parochial places were brought within the jurisdiction of the Poor Law Board. Though this measure applied to the Temple, he might remark that that district was still exempt from maintaining the numerous servants employed there who lived in the adjoining parishes. The question now was, whether some remedy ought not to be applied to the grievous system of injustice to which he had adverted. It appeared to him that there would be no great difficulty in providing a remedy if there was a disposition on the part of the Government seriously to take into consideration this great and crying evil; and he ventured to say that the Government might have employed themselves to greater advantage in dealing with a question of this kind than by framing half the measures they had brought forward during the present Session, not even excepting the Bill which was to admit a wealthy Jew to a seat in that House. The House would do well to devote itself in preference to the consideration of useful measures of legislation and not to *ad captandum* subjects for the purposes of merely giving effect to public opinion on questions of an abstract kind. The framers of the original Poor Law Act of Elizabeth foresaw the evils which would arise from parochial rating, for that statute contained a recognition of the very principle for which he was contending, as it embodied a provision that where the people of any parish were not able to maintain the poor within it, the Justices should be empowered to call in aid other parishes within the hundred, and if the hundred were unable to maintain its own poor recourse was then to be had to the county at large. Owing to the use of the words "of ability" the provision had been found in practice impossible to be carried out, and he believed there was only one city in the kingdom (Worcester) where that principle of the old Act was carried into practical operation at the present day. He (Mr. Ayrton) therefore contended that we had already in the statute book the germ of that kind of legislation which he was now anxious to extend. Why should not the statute of Elizabeth be extended so as to meet the circumstances under which we live, and which had been in some measure foreseen, but not sufficiently provided for, when that Act was passed? This subject, as far as the metropolis was concerned, had already engaged the special attention of Parliament, though certainly not at a very recent period; and an attempt had been made to find a remedy for the evil. In the reign of Charles II., when the Poor Law received great consideration, a statute was passed creating three great corporations for managing the relief of the poor of London—one for the city, another for the outlying districts on this side of the Thames, and the third for the districts on the further side of the river. There was no distinct provision for extending the area of rating. The Act was imperfect; and looking to the times in which it was adopted they could not be surprised that it was not wisely applied or that it had led to no satisfactory result. Therefore the House should deal with this question of the metropolis for the metropolis alone, disencumbered from any general considerations as to the administration of the Poor Law throughout the country. What might be a wise provision for a metropolis so peculiarly circumstanced might be wholly inapplicable to any other part of the kingdom. On that ground he wished that there should be a narrow and special inquiry, and he thought it would be admitted that, even with this limitation, the magnitude of the interests involved was sufficient to engage the attention of a Committee. He appealed, therefore, to the House to say whether he had not stated enough of anomaly and absurdity to demand the careful consideration of hon. Members; and he should feel it his duty to take the deliberate opinion of the House on this most important subject. The hon. Gentleman concluded by moving for a Select Committee "to inquire into the causes of the inequality of the poor rates in the

Metropolitan District, and whether any measure should be adopted to render the rates more equal."

MR. TOWNSEND, in seconding the Motion, said, that he thanked the hon. Member for having brought the subject under the attention of Parliament, it being one which demanded the most serious consideration, as it affected many thousands of Her Majesty's subjects. He (Mr. Townsend) had ample personal experience of the serious evils which attached to the present state of the poor law, more particularly in districts very nearly bordering on the metropolitan, and his constituents were deeply interested in this question. The very best sites at Deptford, Greenwich, and Woolwich were occupied by the Government dockyard, victualling-yard, and arsenal, establishments which, while they monopolized nearly the whole of the valuable river frontage of those three towns, to the exclusion of merchant shipping, did not contribute one farthing towards the poor rates of the parishes in which they were situated. Moreover, vast numbers of the workmen who had been employed in those establishments during the war were suddenly discharged on the return of peace, and became a burden, together with their wives and families, upon the unfortunate ratepayers. For a series of years past the poor rates of the parish of St. Nicholas's, Deptford, had averaged 10*s.* in the pound per annum, the amount already levied for the current year being 5*s.* 3*d.* The Government from time to time made additional purchases of land in the parish of St. Nicholas, and if this system went on the rates borne by the property left chargeable, instead of stopping at 10*s.* in the pound, would swell to 200 and 300 per cent on its value, the effect of which must be to shut up hundreds of houses. That parish was chiefly inhabited by small shopkeepers and artisans, and the rates could only be recovered in five cases out of ten by issuing distress warrants and selling up the poor ratepayers. The evil caused by such a state of things was a crying one, and was aggravated from the circumstance that other parishes paid little or no rates at all. From what he had read and heard of the noble Lord at the head of the Government, and what he had seen of him since he had the honour of having a seat in the House, he believed that he would apply a remedy to this state of things.

Motion made, and Question proposed, "That a Select Committee be appointed to inquire into the causes of the inequality of the Poor Rates in the Metropolitan District, and whether any measures should be adopted to render the rates more equal."

MR. BOUVERIE said, that before he adverted to the subject which the hon. and learned Member for the Tower Hamlets had brought under the notice of the House, he must take a preliminary objection to the appointment of a Select Committee on so important a question in the present Session. A similar objection had, indeed, been urged that evening to a previous Motion for a Select Committee; and, although—as the hon. and learned Member had put it with great force—this was a subject attended with many anomalies which might well deserve investigation, yet it should be remembered that the House was not capable of discharging an unlimited amount of business. Having only a limited amount of time and a limited number of Members at its command, it could get through only a certain quantity of work, and could conduct only a certain number of inquiries. They had now arrived at the 16th of June, and probably before two months had elapsed, this Session would either have actually come to, or be approaching its termination. At the present moment there were eighteen Committees on private Bills, on which ninety hon. Members sat; twelve Select Committees on public questions absorbed 160 more Members; while, in addition to these, sixty-four more were engaged on various standing Committees, giving a total of 340 Members on Committees. In fact, it might fairly be reckoned, that on the whole, 250 Members were, more or less, actively occupied upon Committees now sitting. Besides this, there were forty-six election petitions, something like thirty of which would probably be proceeded with, and the Committees to be appointed to try them would require 150 more Members, who would have to sit daily from eleven o'clock till four. [MR. MALINS: Not all at the same time.] Certainly not; but if the hon. and learned Gentleman had as much experience of Election Committees as he (Mr. Bouverie) had, he would know that hon. Members who had been engaged in such labours for several weeks consecutively were not likely to give a close attention to other inquiries. This, therefore, raised the total number of Members already required for Committees of all kinds to 400. Were they prepared, then, on the 16th of June, to add to the number of their Select Committees? But if this inquiry were granted, was there any reasonable prospect that so important and extensive an investigation could be brought to a satisfactory conclusion during the present Session? It was no easy matter at the end of a Session to secure a good attendance of the Members of a Committee, even on the most interesting subjects, for it should be remembered that their attendance was not compulsory. The consequence was, that the few Members who did attend, finding that a quorum could not be formed, determined that no satisfactory result could be arrived at during the then Session. He undertook to say, that that would probably be the result of the Motion of the hon. and learned Member for the Tower Hamlets; but he admitted that such an objection as that was a merely temporary one, and did not at all touch the merits of the question, which was, undoubtedly, one of a most important character. In fact, the hon. and learned Member himself had not fully stated the importance and extent of the subject under discussion, nor did he appear to him (Mr. Bouverie) to grapple with its difficulties. He had no doubt mentioned a few of the anomalies of the parochial system, but by a most wonderful effort he jumped from a statement of them to the conclusion that there ought to be something like one great union in the metropolis for the purposes of poor law administration. He (Mr. Bouverie) could not see any connection between the hon. and learned Gentleman's statements, and the conclusions at which he wished the House to arrive. The hon. and learned Gentleman had entirely failed to establish the proposition with which he set out—namely, that the metropolis was a special case, and was distinguished from the rest of the kingdom. He (Mr. Bouverie) joined issue with the hon. Gentleman, especially on that point. The metropolitan district was divided for poor-law purposes into thirty-eight different districts, some of them consisting of parishes and some of unions, each managing separately its own poor. Of these thirty-eight districts twenty-seven were in Middlesex, two in Kent, and nine in Surrey. Of the twenty-seven in Middlesex, ten only were unions of various extent, and comprising various numbers of parishes, but all the remaining seventeen were single parishes, managing their own poor, and many of them having a large property, an immense population, and a large and powerful administration for the relief of the poor. Most of the ten unions in Middlesex to which he had adverted, consisted of a very small number of parishes—two of only two parishes, two of three parishes, one of five, one of four, one of six, one of seven, one of nine, while one—the City of London Union, which he admitted was an anomaly—consisted of no less than ninety-eight parishes, some of whom were excessively small. Of the two separate administrations in Kent, one consisted of four parishes, and the other of seven. Of the nine in Surrey, one consisted of only two parishes, one of three, one of six, and the remaining six were all single parishes, and each administered its own affairs. The total population comprised within the districts which were subject to these separate poor-law jurisdictions was 2,500,000, and the average daily number of paupers to whom they had to administer relief was 105,000. The estimate of the expenditure for that relief during the year ending Lady-day, 1856, was £875,000, and the net rateable value of the property which contributed to the relief of that army of paupers was £10,900,000. The proportions which the metropolitan district bore to the whole of the country were as follows:—Its population was about an eighth of the whole population of England and Wales, its pauperism one-twelfth, its property about one-tenth, and its expenditure on account of the poor about one-seventh of the entire pauperism, property, and Poor Law expenditure of the country. These figures alone would show to the House the difficulty and importance of the subject they were asked to deal with. The truth was that London was a vast province covered with houses. It was not a great town in the sense of Liverpool, Manchester, Bristol, or Norwich, but a province, to a great extent, the extremities of which had no connection with each other. In the Metropolitan District were comprised the parishes of Chelsea, Hammersmith, and Fulham on the one side, which had no more connection with the Tower Hamlets, Greenwich, and Deptford, on the other side, than Bath with Bristol, or Liverpool with Manchester. The grievance of which the hon. Member for the Tower Hamlets complained was that these parishes and unions were rated unequally. He (Mr. Ayrton) assumed the proposition that the poor rate, like all taxes, ought to be equally imposed, and that everybody ought to bear it in proportion to his means. It did not require a Select Committee to ascertain whether there was any inequality in the present system. He (Mr. Bouverie) admitted that there was considerable inequality. In fact every one well knew that such was the case. Many of these parishes were small and had scarcely any poor, and there was the greatest possible variation in the amount of the value of the property in the different parishes. The moment that a local administration existed there must be inequality in the amount of the rating, unless they could secure that the various districts, having separate administration of the poor rates, should have the same number of paupers, the same cost of maintenance in each, and the same amount of property in each. He wished to point out that the hon. and learned Member for the Tower Hamlets had not suggested any change which would effect an improvement on the present system of administering the laws for the relief of the poor with reference to the levying of rates. He had not shown that any change with respect to the area of taxation would improve the condition of the poor, or introduce a better system of administering relief to the sick, the infirm, the aged, the disabled, or the lunatic. He had not touched those subjects which were material in a discussion of this nature. All that he had referred to was an adjustment of the burden. He had, no doubt, shown the inequality of rating in the various parishes, but the House should bear in mind that it was, in fact, the owners and not the tenants of the houses so rated who practically and in the long run paid the rates for the relief of the poor. All those houses were rented subject to the burden of which the hon. Member complained. Everybody knew that there was a great difference in the rating of two districts in the west of London—namely, Chelsea and St. George's, Hanover Square, the rating in the former being 1*s.* 10¾*d.*, and in the latter 6¾*d.*, a difference of nearly three-fourths. It was very well known that a house within a few yards of one of the same quality in the adjoining parish would let for a different rent according to the difference in the rates upon the two houses, but that the rent and the rates added together made the same amount, the owner of the one dwelling receiving a lower rent because the rates in that parish were higher. This showed that, in fact, the rates came out of the pocket of the proprietor, and were not paid by the occupier; and if this were so, as he thought had been fully acknowledged during the discussions which took place in this House some years ago on the subject of local rating, then the proposal to readjust the burden of the poor rates was simply a proposal to shift the charges upon property from one district of the town to another. Now, though there might be good public reasons for making that readjustment, he contended that the mere fact of there being an inequality furnished no reason for making it, inasmuch as property had no doubt been purchased and inherited subject to this burden. But what he particularly wanted to call the attention of the House to was that there existed no specialty whatever, as the hon. and learned Member contended, in the case of the metropolis as compared with the other parts of the country. Public feeling on this subject, the existence of which he (Mr. Bouverie) did not deny, had, he believed, arisen in consequence of the recent increase of poor rates throughout the Metropolis. But there had been a like increase of rates in the west as in the east end of the town; it was a mistake to suppose that that increase had been confined to the latter. Taking at a venture four western parishes and contrasting them with four in the east of London, it was shown most conclusively that during the last few years the increase in the amount expended for the relief of the poor was as great in the one case as in the other. Thus, in Kensington, the poor rates had increased from £9,930 in 1853 to £16,523 in 1856; in Chelsea, during the same period, from £16,093 to £19,831; in St. George's, Hanover Square, from £14,097 to £21,315; in St. James's, Westminster, from £15,929 to £18,620. On the other hand, in St. George's-in-the-East, the poor rates had increased from £19,145 in 1853 to £25,691 in 1856; in Limehouse, from £5,703 to £7,781; in Shadwell, from £3,421 to £5,058; and in Wapping, from £1,683 to £2,430. These figures proved that there was no specialty as between the east and west. He could show, also, that in almost all the large towns in England and Wales there had been the same increase. In a list of fifteen towns which he held in his hand, including Birmingham, Bolton, and other places, there had been within the last four or five years, with only one exception, which could be easily accounted for, a great increase in the poor rates, equal and quite analogous to that which had taken place in the metropolis. These facts proved that the causes which had operated to increase the rates had been national causes—including the rise in prices, the increase of population, the diminution of employment, and all those things which tended generally to create paupers. Then, again, there was nothing like the inequality of rating in the metropolis which existed in other districts. In the city of London, where great inequalities certainly existed, the highest rating in any one parish was 5*s.* 8½*d.* Now, he had in his hand a list of twenty country parishes, most heavily rated for the relief of the poor, the lowest rating in which list was 5*s.* 10*d.*, and the rates went on up to 5*s.* 11*d.*, 6*s.* 2*d.*, 6*s.* 5*d.*, 7*s.* 2*d.*, 7*s.* 7*d.*, 8*s.* 4*d.*, and in one unfortunate parish in the county with which he was connected, namely, Hendon in Wilts, they amounted to 9*s.* 10¾*d.*, in the pound. Then, again, taking the case of unions, the highest rated of all the metropolitan unions was Bethnal-green, which was a single parish conducting its own affairs independently, and was rated at 3*s.* 8¾*d.* in the pound. St. George's-in-the-East was rated at 3*s.* 2*d.*, and the rate in the Eastern parishes varied from 3*s.* to 2*s.*, and some were even lower than that. What did they find, however, in country unions and towns? At Plymouth the rates for the year ending Lady-day, 1852, were 3*s.* 6¼*d.* per head of the population, while in Exeter they were 1*s.* 3¾*d.* The return from which he was reading did not give the rate per pound, but the rate per head of population. At Melksham, in Wiltshire, the rates were 3*s.* 7¼*d.* per head, while at Chippenham they were 1*s.* 8¾*d.*; at Bury St. Edmund's they were 2*s.* 6*d.* per head, while at Sanford, also in Suffolk, they were 11½*d.*; at Petworth, in Sussex, they were 3*s.* 11¾*d.*; while at Brighton they were 1*s.* 4*d.* At Anglesea they were 3*s.* 7*d.*, while in a neighbouring parish they were only 1*s.* 2*d.*; and there were a number of other instances of unions, situated in the same counties, showing greater differences even than these. What he wished should be seen, therefore, was, that as regarded both the increase and inequality of rates, no distinction was to be drawn between the metropolis and other districts, and that the measure proposed for the metropolis must, if they were to act upon any general principle, also be applied to the rest of the country. From the Returns, which were accessible to every one, it appeared that there was always a fluctuation in the amount of poor rates, that there was a sort of cycle, a series of years of high rates followed by years of low rates, and, as far as he could make out, the maximum had now been attained, and there was a tendency to decline both in the amount of pauperism and in the charge upon the poor rates. From a Return recently laid on the table, it appeared that there had been a diminution in the expenditure for in-door and out-door relief of £118,770 during the half-year ending Lady-day, 1857, as compared with the like half-year in 1856, and during the same period there had been a decrease in the number of out-door poor to the amount of 31,015. He should also state, with reference to the question of burdens upon property, this very material fact, that, in spite of the increased charge upon what were called the poorest parishes, the value of property in them had gone on constantly improving, and the valuation for the poor rate and the assessment for the income tax showed a constant increase even in the parishes most affected. The truth was, that in the west-end of London one great reason of the lightness of the poor rate was the immense addition that was being made to the number of houses, so that, although the aggregate amount raised at the west-end had gone on augmenting, the rate in the pound had not increased, owing to the additions continually made to the class of property chargeable with the rate. He had explained to the House that the metropolis stood exactly in the same position with reference to this question as the rest of the country, and that if they dealt with the metropolis they must be prepared to deal also with other portions of the country. But the hon. and learned Gentleman had hinted at no remedy; he had shown the evil, he had pointed out the anomalies, but he had not suggested the iota of a remedy. When persons complained of an existing system, they should always be prepared to propose a substitute. It was very easy to make out a case against any tax, and almost against any law, but, as practical and sensible men, they must consider what it was proposed to substitute as a remedy for the existing evil, and what objections there would be to the substitute. Now, what were the possible substitutes for that system to which the hon. and learned Gentleman had called the attention of the House? The first was union rating. The hon. and learned Member claimed the support of the late lamented Mr. C. Buller to his views; but Mr. Buller's notion only went to the length of union rating and no further. Mr. Baines's proposal of 1854, also, was only a proposition for union rating; but that was a system which would afford no remedy for the grievances which were urged in the metropolis; for how by any possibility could the wealth of the west be brought to contribute to the poverty of the east by any plan of union rating? It was true, that for the City of London a union rating might be of great advantage to the poor parishes, and he should be glad to see it adopted for the City of London; but that would be a distinct measure for that portion of the metropolis alone, and would not touch the general question. What was the next substitute? Would throwing the metropolis into large districts be of any avail? He believed not, for they would still meet with this difficulty—that in the east, where the poor were accumulated, the property was of small comparative value compared with the number of poor, while in the west the property was of high value and the poor were few; so that no possible allocation of districts that they could adopt would effect the desired object. It would be impossible to get anything like an equality of rating in that way, and therefore the grievance would be practically untouched. What was the next remedy? Would a common purse—a common fund —for the whole of the metropolis answer the purpose? Was it proposed for the whole of this great metropolis, for this province, with its 2,500,000 inhabitants, and its £10,000,000 or £11,000,000 of rateable property, to have one common purse, to be dipped into by every one of the existing local administrations? To such a proposition he apprehended the House never would consent, for no more certain plan could be devised for the utter demolition of the entire property of the metropolis. If all these substitutes failed, then they were reduced to the adoption of one great Poor Law administration for the metropolis. Now, he asked the House fairly to work out the results involved in such a proposition. How were they to get a proper Board of unpaid Guardians to administer the law for a population of 2,500,000 souls—a population larger than that of any county in the kingdom? What imaginary number of unpaid guardians would undertake the responsibility of conducting that administration, and what amount of time and attention would be sufficient on the part of any conceivable body to carry on the affairs of such a vast concern? Well, if that would not do, were they prepared to have one great paid administration for the relief of the poor in the metropolis, such as they had in Paris? Was the metropolis to give up the management of its parochial affairs, and to throw the whole into the hands of a great paid centralized body? Then, it appeared to him that there was no other alternative—no possible conceivable remedy to the extent that was desired for the evil that existed. The claim for an equalization of rates in the different parishes of the metropolis was based on the present inequality, and it was said that, if the rate was equalized, a general rate of 1*s.* 7½*d.* over the entire metropolis would be sufficient for the purposes of poor relief. But, suppose that we had the metropolis under one system of administration, with a rate of 1*s.* 7½*d.* in the pound, what should we say to those other large towns, that were rated much higher than that?—to Liverpool, for example, rated in 1856 at 1*s.* 10¾*d.* in the pound; Manchester at 2*s.* 3½*d.*, Birmingham at 2*s.* 0¼*d.*, Norwich at 4*s.* 10¾*d.*, and Bristol at 2*s.* 9*d.* Exactly the same cry which had been raised for justice by certain districts of the metropolis would be raised with unanswerable force by the heavier rated districts in the country, if the rate in the metropolis were reduced to an uniform 1*s.* 7½*d.* He did not know what the House might be prepared to say on the subject, but he spoke his own sentiments, as well as those of the Government and of persons who had closely investigated this question, when he stated his belief that a national rate would never be maintained for any length of time as a provision for the poor of this country. In recent times we had had two little specimens of something like a national rate; we had a short experience in Ireland during the famine, ten years ago, which had proved anything but satisfactory, and there was also a brief experience in Paris, in 1848, at the time of the *ateliers nationaux*, which was even more discouraging in its results than the experience in Ireland. He had endeavoured to point out as clearly as he could what would be the tremendous and almost insuperable difficulties in the way of affording satisfaction to those who were anxious for an equalization of rate in the metropolis. Union rating might seem a minor matter, and he had before, and did now, express his general approval of that proposition; but the experience of his predecessor in office was not such as to encourage him (Mr. Bouverie) to entertain any confidence that a proposal for union rating could be carried through the House. The preliminary difficulties respecting the removal of Irish and Scotch paupers which presented themselves were the cause of the shipwreck of Mr. Baines's Bill, and when he (Mr. Bouverie) attempted last year to remove those difficulties, he was met with such an opposition as drove him entirely from the field. If the attempt were made again, the same difficulties would present themselves, and the question would be again raised how they would deal with the removable poor that came from the sister kingdom. He proposed last year, in conformity with the Report of a Select Committee, to deal with the Irish and Scotch poor exactly on the same footing as the English poor, but he met with an amount of opposition which he did not doubt would be repeated again on a similar attempt being made. That was merely a necessary approach to the system of union rating, and when the difficulty was so great in dealing with a mere outwork of the system, there was very little probability of success in dealing with the system itself, unless a whole Session could be devoted to the subject. For the reasons he now stated, he should certainly propose to the House to negative the Motion.

Mr. C. SALISBURY BUTLER said, that he had listened attentively to the speech of the right hon. Gentleman the President of the Poor Law Board, which had almost led him to the conclusion that there should be an equality of rate throughout the country. The question under the consideration of the House was one of great interest to his constituents, he should therefore support the Motion for a Select Committee, to inquire into the operation of a law which has been found to be unequal and oppressive. The great objection to the present system was, as his hon. Colleague had stated, that the poor rates fell with greater severity on the poor and densely populated districts of the metropolis than on the rich parishes, the wealthy inhabitants of which contribute very little towards the maintenance of the poor. He could not understand upon what principle the poor and hard-working inhabitants of Bethnal Green were compelled to pay at the rate of 4*s.* in the pound, and the inhabitants of St. George, Hanover Square, only 6¾*d.*; but the grievance did not end with the inequality of the rate. Let the House observe the inequality in the assessment: Bethnal Green was assessed to the property tax under schedule A at £128,927, the rateable value assessed to the poor rate being fully equal to that sum; but the figures are very different with reference to St. George's, Hanover Square. In that favoured parish the value of property assessed to the property tax was, £1,097,580, while the rateable value of property assessed to the poor was only £694,380. There were many other instances of the same nature. Shoreditch, Paddington, St. George's in the East, and St. George's, Southwark, sufficiently evidence the great inequality that prevails in the rating of the metropolitan parishes. He would only trouble the House with two. The parish of St. George in the East, a very poor parish, was rated to the poor at 3*s.* 4*d.* in the pound. The parish of St. George the Martyr, also a very poor parish, was rated at 2*s.* 11¼*d.* These parishes were both densely occupied by a poor and industrial population. Then what was the amount of poors rate levied on the wealthy inhabitants of Paddington?—7¼*d.* only. In making these statements, it was not his wish to complain of the wealthy classes who were always willing to assist their poorer brethren; he was sure they would not be disposed to perpetuate this anomalous state of things. It was good to be generous, but justice should take the precedence. It had ever been a recognized principle that the rich should maintain the helpless poor, that is, that the property of the rich should be taxed according to the ability of its occupier to pay; but, really under the present state of the law it was the poor, the very poor, who were adding to the abundance of the rich. What his hon. Colleague now asked for was, simply a Committee of Inquiry; he was not asking that the poor should be placed in a more favourable position than the rich; the inquiry he sought was, is it just in principle that all who reside in this great metropolis should pay alike? He trusted that the noble Lord at the head of the Government would not deny his hon. and learned Colleague's reasonable request, for he (Mr.

Butler) thought that, whenever large masses of their fellow-subjects complained of a grievance, it was their duty to inquire how far their complaints were well founded. And with reference to this part of the subject, he would say in so far as his (Mr. Butler's) own constituency was concerned, it was due to the assiduous labours of the clergy (by whose efforts and sacrifices the poor had been cheered through much misery) that the House had not the matter pressed upon its attention in a more serious form. It had been alleged in general terms, that the subject was beset with difficulty, and that the guardians might use too freely for the benefit of their own parishes the joint fund. He (Mr. Butler) entertained a better opinion of the gentlemen who acted in the performance of a gratuitous public duty as guardians of the poor throughout the metropolis; but he would not regret a little more liberality in this respect, if it would lead to a better and more generous treatment of the poor. In St. George's, Hanover Square, the weekly allowance was 2*s.* 6*d.* and two loaves; while in St. George's-in-the-East it was very little over 1*s.* and one loaf. Surely there could be no justification of such a marked difference; but, unfortunately, the increase in the number of poor told with sad effect in the eastern parishes, the numbers being double what they were twenty years ago. In the comparatively small parish of St. George alone, the increase being from 2,014 to 5,104, and the rates from 6*d.* in the pound per quarter, to 1*s.* 3*d.* in the pound per quarter. Why was this? simply, because all who live in the parish are poor and receive no aid from parishes in which all who live are rich. He also wished to advert to another subject, which was very intimately connected with the question under discussion—the law of settlement and removal of the poor. He (Mr. Butler) thought that the great expenditure consequent upon the removal of the poor, and the costs of litigation between opposing parishes might, at all events, in so far as the metropolis was concerned, be materially diminished, if not abolished: the subject was one that deserved much thoughtful consideration. His hon. Colleague had adverted to the fact that there were many thousands, he (Mr. Butler) had been informed between 40,000 and 50,000 servants residing in the parish of St. George, Hanover Square. They are there maintained during service, their residence benefits the parish, but their settlements are not in St. George, Hanover Square, but in some distant and perhaps heavily burdened parish to which, after service, they return to add to its misery and increase the rates; but he would not trespass further upon the attention of the House. His constituents were deeply interested in the matter, and as well on this account, as because he felt that a strong case had been made out, he had addressed these few observations to the House. He sincerely hoped that the noble Lord at the head of the Government would consent to the appointment of a Committee.

MR. JOHN LOCKE said, that as the representative of a constituency which was much interested in this question, he wished to address a few observations to the House. In the first place, he would observe that the arguments of the right hon. Gentleman the President of the Poor Law Board were no answer to the proposition that there should be a Committee appointed. The speech of the right hon. Gentleman seemed to him to resolve itself into two parts. The right hon. Gentleman had first raised a preliminary objection which had been urged on so many occasions and for so many purposes that he (Mr. Locke) did not think it possessed much force—namely, the difficulty and inconvenience of appointing a Committee during the present Session. He thought that plea was frequently put forward when inquiry was proposed on subjects which it was not thought convenient to investigate, for he did not find that such an objection was taken to the appointment of Committees of Inquiry with reference to questions which were interesting to hon. Gentlemen who sat upon the Treasury Benches, but which he would venture to assert were not superior in importance to that now under consideration. This question not only affected the wellbeing of the poor throughout the metropolis, but the general interests of the country, and he thought sufficient reasons had been shown for granting a Committee. The right hon. Gentleman (Mr. Bouverie) also objected to the Motion on the ground that no special case had been established; but, instead of meeting the arguments of the hon. Member for the Tower Hamlets with regard to the different unions and parishes throughout the metropolis, he had taken a trip down into the country unions and said, "Oh, if you accede to this proposal you must apply a similar law to the country at large. ["Hear!"] Well, if he (Mr. Locke) interpreted the cheer which followed that objection rightly, it meant that, notwithstanding the alarm with which the right hon. President of the Poor Law Board regarded such a change, if it were shown that the proposition of his hon. and learned Friend were just in the case of the metropolis, Parliament would not object on the score of expense to the general application of the principle. His hon. and learned Friend (Mr. Ayrton) did not attempt to enforce any crude notions of his own; but, in urging the equalization of poor rate throughout the metropolis, he referred to the 43 *Eliz.*, which provided that when any particular parish was unequal to support its poor, the magistrates of the county should be enabled to call in the assistance of the hundred, and, in the event of the hundred not being able to supply the deficiency, the aid of the county at large. From the very commencement of the poor laws, a law such as was now sought to be applied to the metropolis was contemplated, and subsequent legislation had not repudiated the principle. By the 9 & 10 *Vict.*, c. 66, s. 1, the principle had been established of making paupers irremovable after five years' residence, and in a subsequent Act the principle was recognized of widening the area of taxation, by providing that the relief of such persons should be borne by the union and not by the particular parish in which the claim to relief might, in consequence of such residence, happen to arise. Now, what was the evil which his hon. and learned Friend wished to remedy? Why, at that moment poverty was taxed for the support of poverty. In some parishes, as for instance that of Bermondsey, the inhabitants of the workhouses were better off than the persons who were compelled to contribute to their support, while in Belgravia, covered by magnificent houses, erected by the labour of these poor men from Bermondsey, the poor rates were little felt. The right hon. Gentleman the President of the Poor Law Board had stated that there was no connection between the different parishes of the metropolis. Now, the whole object of his hon. and learned Friend's (Mr. Ayrton) speech had been to show the intimate connection between them. Had not his hon. and learned Friend cited the case of the poor milliner who supplied the clothes of the rich lady; of the poor workman who had built the houses in the wealthy districts; and of the great city merchant, who employed numbers of workmen in loading and unloading his ships. The fact was, the speech of his hon. and learned Friend had been unanswered. And when the right hon. Gentleman referred to the subject of an equalization of rates throughout the country, he could only say that that formed no part of the present question. The right hon. Gentleman had stated that if the rate were equalized throughout the metropolis it would amount to 1*s.* 7½*d.* He believed himself that it would not exceed 1*s.* 1½*d.*, but, even if it amounted to the larger sum, would it be such a dreadful thing to the aristocratic inhabitants of Belgravia to raise their rates from 5½d. to 1*s.* 7½*d.*? They would not feel it, and it was paying them a bad compliment to suppose that they would be unwilling to be taxed in an equal proportion with the less wealthy inhabitants of the metropolis for the support of the poorer of their fellow creatures. The right hon. Gentleman endeavoured to answer the statement that some parishes were heavily rated by referring to the charge on the whole of the union, and endeavoured to show that one parish which was rated at 5*s.* 6*d.*, while the average rate of the whole union was 2*s.* 6*d.*, had no grievance to complain of. He confessed he could not understand the force of that argument. He would state some of the benefits that would result from the equalization of the poor rates. If the system of an equalization of rates were established, one result would be to get rid of many of the difficulties connected with the law of settlement. A great portion of the expense which was incurred in litigating appeals was incurred by contests between neighbouring parishes to avoid maintaining each other's poor. By a general assessment that expenditure would be wholly got rid of, so far as it might be incurred between parishes situated in the metropolis. Another advantage would be an immense saving in the payment of officials. The President of the Poor Law Board had asked the hon. Mover what his plan was, and had gone on himself to point out several impracticable and undesirable schemes as the only mode of effecting a change in the present system. If, however, the Government really turned its attention to this subject, he (Mr. Locke) had no doubt but a measure could be devised which would satisfy the just demands of the metropolitan parishes. One objection to a general assessment which had been urged by the President of the Poor

Law Board was that it would destroy all local supervision, and that the guardians would be lavish of the public money; but judging from the results of the present system that consequence was not likely to follow. At present the Boards of Unions were composed of guardians selected from each of the parishes comprised within the union, and it was not found that they were at all lavish in dealing with the funds of each other's parishes. This opinion was confirmed by the Report of Mr. G. A'Beckett, who was employed in the year 1850, to look into the administration of the poor law. The subject was one of great importance, and he hoped the Government would assent to the appointment of a Select Committee, and he had little doubt but that a suitable plan could be framed. For instance, he might suggest a Board of Supervision, composed of one member from each board of guardians, who should examine the accounts, leaving each parish, as at present, to fix the amount that would be required for the following year, which should be checked by the supervising body. It was not, however, for him to point out any perfect plan—that was for the Select Committee to consider—and he hoped the Government would yield to the wishes of the metropolis, and give an opportunity for such consideration.

Mr. KNIGHT thought he could show by a few figures that the complaining parishes had really not so much to complain of as hon. Members seemed to think. He had gone back to 1815, and taken out the amount of poor rates paid by several of the "poor parishes," as they were called. He had then drawn a line every five years, and made an average of the annual amount paid in each quinquennial period. He found that the average of the poor rates, although it had varied, had not increased much between 1815 and 1856, while the amount of property upon which property tax was levied, and which paid the poor rates, had increased considerably. Within the last two or three years the heavy pressure of the war, high prices, and dear money, had caused a considerable increase in the rates, which, however, he was glad to hear from the President of the Poor Law Board had reached its maximum. He found the average amounts paid in the periods he had mentioned were as follows:—

Five Years ending	Bermondsey.	Bethnal Green.	St.George's, Southwark.	Lambeth.	Poplar.	Shoreditch.	Fulham.
1820	13,234	8,723	13,014	35,544	10,064	17,840	13,016
1825	15,248	9,006	12,598	31,671	9,587	17,131	12,598
1830	17,751	14,381	13,546	31,973	9,606	26,041	13,546
1835	16,420	17,537	16,005	36,441	10,389	20,207	16,205
1840	12,021	10,155	10,935	21,473	7,323	17,622	10,935
1845	14,433	13,003	12,065	33,767	12,061	20,669	12,065
1850	14,545	12,638	15,157	39,707	14,224	18,567	15,157
1855	11,928	13,655	14,482	37,109	13,860	24,443	14,482
1856*	17,538	20,661	17,213	49,995	13,113	38,711	17,213

* Single year.

The value of the property in those parishes had increased between 1815 and 1856, in Bermondsey, 5 per cent; in Bethnal Green, 88 per cent; in Southwark, 62 per cent; in Lambeth, 194 per cent; in Poplar, 115 per cent; in Shoreditch, 112 per cent; and in Fulham, 131 per cent. The increase of the value of the property was far greater in each of these parishes than the increase of the poor rate. The reason that the poor rates appeared to be so low in certain parishes in the northern and western portions of the metropolis, was not because they paid less poor rates than formerly, but because a great deal of land which a few years since was let at agricultural prices, had now become building land, and was rated accordingly. The enormous increase of the real value of the property from which the rates were raised had thus reduced the apparent rating, while the amount paid for the support of the poor was not reduced. The poor parishes, therefore, had no more ground of complaint against the rich parishes than one man had to complain of another being richer than himself. If it could be shown that there was a rapidly increasing poor rate in the poor parishes, and if that increase could be traced to some operations going on in the other parishes, then a ground of complaint might be laid. On a comparison of the rates in the pound paid by each county in England, in the years 1815 and 1851, calculated on the annual value of real property assessed to the property tax, he found that in the county which was most highly taxed in 1815 the reduction which had taken place up to 1851 amounted to 3*s.* 6*d.* in the pound, while in the county, which was the lowest taxed, the reduction had only amounted to ¼*d.* Sussex, which in 1815 was taxed at 5*s.* 0½*d.* in the pound, in 1851 only paid 1*s.* 6*d.*; and Northumberland, which, in 1815, paid 1*s.* 1¼*d.* in the pound, in 1851 paid 1*s.* 1*d.* The comparison of the other counties gave the following results :—

Counties.	Rate in the Pound paid for the Relief of the Poor. 1815.		1851.		Reduction of Rate in thePound	
	s.	*d.*	*s.*	*d.*	*s.*	*d.*
Sussex	5	0½	1	6	3	6½
Kent	3	7	1	2½	2	4¾
Bucks	3	2	1	7½	1	6½
Berks	3	1	1	6	1	7
Oxford	2	11¾	1	5¼	1	6½
Bedford	2	11¼	1	5	1	6¼
Essex	2	11	1	7	1	4
Southampton ...	2	10¾	1	7½	1	3¼
Suffolk	2	9	1	5¼	1	3¾
Hertford	2	8¾	1	5	1	3¾
Northampton ...	2	7¼	1	3¾	1	3½
Norfolk	2	7	1	5½	1	1½
Surrey	2	6¾	1	0¾	1	6
Wilts	2	4½	1	8	0	8½
Hereford	2	2½	1	0½	1	2
Dorset	2	2	1	7	0	7
Leicester	2	1¼	0	11½	1	1¾
Worcester	2	1	0	11½	1	1½
Warwick	2	0¾	0	9¼	1	3½
Cambridge... ...	2	0¼	1	4	0	8¼
Durham	2	0	0	9¾	1	2¼
Huntingdon ...	1	11½	1	3¾	0	7¾
Devon	1	11¼	1	4	0	7¼
Nottingham ...	1	11¼	0	11½	0	11¾
Stafford	1	11¼	0	8½	1	2¾
Chester	1	10¾	0	9¼	1	1½
Gloucester... ...	1	10¼	1	4	0	6¼
Monmouth... ...	1	10	0	11¾	0	10¼
Middlesex	1	9¾	0	9¼	1	0½
Salop	1	9	0	8½	1	0½
Cornwall	1	8½	1	1¾	0	6¾
York	1	8½	0	10¾	0	9½
Rutland	1	7½	0	10¾	0	8¾
Derby	1	7½	0	6	1	1½
Somerset	1	7	1	0½	0	6½
Lancaster	1	4½	0	10¼	0	6¼
Westmoreland ...	1	4¼	0	10	0	6¼
Lincoln	1	3	0	9¾	0	5¼
Cumberland ...	1	2	0	9¾	0	4¼
Northumberland ...	1	1¼	1	1	0	0¼

In short, he might state that the highest rates had been reduced most, the lowest reduced least, and thus an equalization of the rates had been going on in a most remarkable manner.

MR. BUXTON denied that this was exclusively a landlord's, and not an occupier's question, as had been asserted by the right hon. President of the Poor Law Board. He was acquainted with several of those metropolitan parishes in which the ratepayers were crushed by the weight of their rates, and he knew that in those parishes people would not build houses, fearing that the rates would prevent them obtaining tenants. In the long run the result was, that the demand for houses exceeded the supply, and thus rents rose, so that it was a question, after all, in which occupiers were very deeply interested.

MR. MALINS said, he had presented petitions urging this subject on the attention of the House. The figures quoted by the hon. Member for Worcester (Mr. Knight) had nothing to do with the question. They related only to the absolute rating; the question was as to relative rating. Now, the sole question was, whether there was a case made out for inquiry. He was of opinion that there could be no doubt that the hon. and learned Member for the Tower Hamlets had fully made out a case for an inquiry. Notwithstanding the refinement of the right hon. President of the Poor Law Board, people would still continue to look upon London as one great town, and few would be able to reconcile themselves to the anomaly of residents in one parish paying 3*s.* 8*d.* in the pound, while their neighbours in the adjoining parish only paid 6*d.* In 1854 he heard with great interest the then President of the Poor Law Board bring forward a formal proposition to enlarge the area of rating, and he never heard a case made out more satisfactorily. Was the present President of the Poor Law Board opposed to an enlarged area of rating? What was the present proposition but one to carry out an enlarged area of rating, affecting as it did the most important district in England? The right hon. Gentleman said that this was entirely a landlords' question, but, on the contrary, he maintained that it was a ratepayers' question. In the metropolis we were the inhabitants of one great town, and the poor should be considered the poor of that town, and not of any one or more districts of it. There should be an enlarged area of rating, in order that there might be an equality of payment. The right hon. Gentleman admitted that if this equalization took place, the average rate would be 1*s.* 7½*d.* in the pound. The hon. and learned Member for the Tower Hamlets had named a much lower figure, but at all events the rate would be greatly diminished in the poorer parishes. The Government could not deny with justice that this at least was a case for inquiry, and he trusted, therefore, that they would consent to the appointment of a Committee. The right hon. Gentleman spoke of the difficulty of getting a Committee, considering the number of private and election Committees sitting; but he could see no real difficulty in the case, as not one-fourth of those appointed to the Election Committees would be sitting at the same time.

The CHANCELLOR of the EXCHEQUER: The hon. and learned Member for Wallingford (Mr. Malins) has asked the Government to consent to the appointment of a Committee on this subject, but I am prepared to say that, even if the hon. Members of this House were not fully occupied already in the labours of Committees, no sufficient ground has been shown for the inquiry that he presses the House to undertake. In the first place, what facts are there that this Committee can ascertain which are not perfectly well ascertained already by means of reports of Committees and statistical returns in possession of the House? This is not a question relating to the relief of the poor. Nobody maintains that the pauper has any interest in the result of the inquiry now proposed. This is a ratepayers' question. It is a question as to the distribution of the relief of the poor over the metropolis; and we have on the table of the House ample returns to show the manner in which that charge is now distributed, so that every hon. Member can ascertain for himself what is the poundage, not only in each union but in each parish, and can ascertain besides the amount of expenditure for the relief of the poor divided under its different heads. Therefore, with the knowledge which we possess of the metropolis, and with the materials we have at our command, we are able to form an accurate judgment on the question. What could a Committee ascertain beyond these facts? They may ask what are the occupations of persons in a particular parish. They may ask whether the ratepayers of a particular parish belong to a certain class, and whether or not the ratepayers in another parish belong to a different class; but beyond that the inquiries of a Committee will throw no more light on the matter, and, therefore, I repeat, that without delegating their consciences to the opinions of a Committee, the hon. Members of this House are perfectly able to arrive at a sound conclusion upon this question. That is my first reason for objecting to the appointment of a Committee. But I object to it also on the ground taken by the President of the Poor Law Board. Unless the House is prepared to consent to the principle of a national rate, unless they are prepared to say, we will throw the whole expenditure for the relief of the poor into hotch-pot; unless they are prepared to say, we will levy the whole rate of this kingdom on the principle of an income tax, and we will destroy the whole local administration, as well as the whole local rating, and vest it in the Government alone; unless they are prepared to go that length, or, at any rate, to entertain that principle, then I say they are not justified in appointing a Committee for the purpose proposed by the hon. and learned Member for the Tower Hamlets. I ask that hon. and learned Member to look, not at the amount of the relief of the poor—because that is not the question with regard to the metropolis—but to look at the poundage rate in each parish, for it is on that the question must be tried. It is the percentage charge on rentals, or the profits of property liable to the rate that we have to consider; and I deliberately maintain it cannot be shown that any great inequality exists between the different parishes of the metropolis. If we take any county in the kingdom we shall find as much inequality between the different parishes as there is between the different parishes of the metropolis; nay, if we go beyond that, and compare the counties of the south of England with the counties of the north, we shall find a much more striking difference between those different parts of the country than between the different parishes of the metropolis. I will take the union of Whitechapel, so much referred to by the hon. and learned Member for the Tower Hamlets, the union which contains the London Docks and the St. Katherine Docks. The hon. and learned Gentleman stated the sums paid for the relief of the poor by the two Dock Companies, but he did not state—and it is a material question—what is the assessment of the two, what is the value of the two establishments. Every Gentleman knows that these two docks are of great value. I do not know what is the value of the London Docks, but they embrace an enormous mass of buildings, considerably larger than the St. Katherine Docks, and unless the hon. and learned Member can tell us what is the percentage on the buildings he gives us no material information to guide us. I have the rate-book of the Whitechapel Union, including the county and the police rate, and therefore to give these will strengthen the argument of the hon. and learned Gentleman, as these are in addition to the poor rate. There are seven or eight parishes in the union, and the average given for all the parishes is 2*s*. 3*d*. in the pound. The first is 3*s*. 11*d*., the second is a low-rated parish, being only 9*d*.; the third, 2*s*. 11*d*.; the fourth, 2*s*. 2*d*.; the fifth, 2*s*. 9*d*.; the sixth, 1*s*. 1*d*.; the seventh, 2*s*. 1*d*.; and the eighth, 2*s*. 6*d*. If any one will take the parishes of a country union he will find among them inequalities quite equal to these. Looking at the rates for the different London parishes, I am prepared to maintain that there is between them no inequality which cannot be paralleled by the country unions, and therefore, if we lay it down as a principle that the inequality which exists in the metropolis justifies an equalization of poor rates we must be prepared to extend that principle to the rest of the country. Much has been said as to what would be the average charge upon all parishes if this equalization was carried into effect. My right hon. Friend (Mr. Bouverie) placed it at 1*s*. 7*d*. in the pound; the hon. and learned Member for the Tower Hamlets at about 1*s*. 1*d*. How is that average obtained? By taking the present amount of the charge for the poor, and distributing it among the different parishes. That assumes that the charge for the poor is a fixed and permanent charge, like that for the army and navy. Let me remark, however, that there is nothing which is more uncertain, more fluctuating, or more liable to be increased by maladministration than the charge for the relief of the poor; and if by removing the check of local management, if by centralizing the administration in the hands of the Government—because to that you must inevitably come—if by instituting a system like that of the public works in Ireland, or the national workshops in Paris, you increase the charge for the poor; if these 107,000 paupers of whom my right hon. Friend spoke are converted into 200,000 or 300,000—a change which might very rapidly be made under a vicious system of relief, instead of an average charge of 1*s*. 7*d*., you will have an average charge of 3*s*. 4*d*. in the pound, and the lowest taxed parishes under your amended system will pay higher rates than those levied under the present system in the most heavily charged parishes. That is the consequence which the House must be prepared to face if it unhappily listens to this project for the equalization of the rates, attended by the necessary consequence of the abolition of the local and parochial check, and the substitution of central management by the Government.

MR. BARROW fully admitted the value of local management, and was convinced the present system of management was the best for the poor. The change in the administration of the poor law since 1836 had been for the benefit of the poor; it was better administered by Boards of Guardians than by overseers. A single fallacy had prevailed throughout the whole of this debate. The real truth of the matter was that this was a complaint of relative injustice between the parishes. The increase and decrease in the rates were owing to the alteration of the law made in 1834. Before that year the charge for the poor depended mainly on the right principle that the employer of labour should pay the cost of maintaining that labour in the event of its falling sick or into distress. That principle of the law of settlement threw the support of the labour on the parish where it had been employed; but a change was made in that system, by substituting a settlement by residence, instead of a settlement by labour, and herein lay the fallacy to which he had referred. The reason why the rate of St. Georges's, Hanover Square, had fallen from 1*s*. 6*d*. to 6*d*. in the pound was this: all the servants in St. George's who had acquired a settlement under the old law had no longer a claim under the existing system. Hence it was also, that the labourers who worked at the St. Katherine's Docks, but lived in the parish in which the London Docks were situated, became chargeable to that parish, and not to the one in which they worked. It was to this that the attention of the Government ought to be drawn, as the real remedy for the evil would be found in an alteration of the present law of settlement.

MR. SCHNEIDER said, an unfavourable allusion had been made in the course of this debate to the city which he had the honour to represent (Norwich); but he had no hesitation in saying that the management of the poor law in that city was as perfect as in any other city in the country. The rates of Norwich had increased of late to 7*s.* in the pound, whereas the rates of the neighbouring parishes had fallen to 1*s.* or 1*s.* 3*d.* in the pound. In fact just in proportion as the rates had increased in the parishes of the city the poor in the neighbouring parishes had diminished; and he concurred with the last speaker, that the only remedy for this state of things was an entire reform of the law of settlement.

LORD ROBERT GROSVENOR said, he intended to support the Motion of the hon. and learned Member for the Tower Hamlets, but he should do so for reasons widely different from many which had been advanced in its favour. As one of the representatives of Middlesex, he had sought information upon this subject, and found, wherever he had sought it, in books and blue-books, the greatest mass of confusion, and perhaps quite as much of the confusion in the Report of the Committee of 1847 as anywhere else. All the authorities on this subject were against a national rate, or against any proposition for such an equalization in rating for the Metropolis as was now sought. The right hon. Gentleman the Member for Leeds (Mr. Baines), who had once been President of the Poor Law Board, had opposed it on the ground that it would lead to the greatest carelessness and extravagance in the administration of the rates, and ultimately, if persisted in, to the destruction of self-government and local administration. In those sentiments he entirely agreed. But he did not on that account see any inconsistency in the present Motion. The abolition of the law of settlement, and the law for settling the charge for the irremovable poor on the different parishes of a union, had had the effect of casting the burden upon the poorer parishes, and relieving the richer parishes. He thought it was quite well worth inquiry whether that law did not operate altogether in a different manner in rural and in urban parishes, and whether something might be done to amend it. Besides, it was shown that at present large properties like the Bank of England and the Royal Exchange almost altogether escaped rating, while many small buildings in their immediate vicinity paid large sums of money. And the same was the case with regard to the Government Dockyards. There men might be collected when their labour was required, and then when it was no longer needed, they might be cast upon the neighbouring parishes, upon which the burden pressed with great severity, and by which they might be almost reduced to a state of insolvency. He thought it unfair that Government should possess this power—a power which had been used with terrible effect in the parish of St. Olave's, Deptford. It was another anomaly which might be removed. Something had been said in the course of the debate about rich people expelling poor persons in great numbers from the parishes in which they resided, or in which their property was situated. He did not think anything of the kind could be proved, although it was, no doubt, the fact that when neighbourhoods became overcrowded, numbers of the inhabitants were obliged to go elsewhere. And this must be the case, for unless room were made they would be eaten up with fever. He thought, however, that the anomalies he had mentioned in the operation of the existing law furnished sufficient reason for the appointment of a Committee to inquire into the means by which they might be removed or alleviated without recurring to anything like an equalization of the poor-rates or a centralization of their administration, and he should therefore vote for the Motion.

MR. AYRTON, in reply, said it appeared to him that the right hon. Gentleman, the President of the Poor Law Board, had entirely mistaken the question. He (Mr. Ayrton) had regarded it as a case specially confined to the Metropolis. It had been said that he could find all the information necessary in the printed papers. He, however, said there was not a particle of information as to the causes of the inequality of the rates, and it was on that that he founded his Motion. It was a Motion to inquire, not into the fact of the inequality, but the causes of it. His object being not to legislate, but to inquire, he thought it sufficient to show that there were causes which made persons chargeable in one parish, while those who made them chargeable were resident in another. He would not trouble the House with other topics, but he would make one remark as regarded the inconvenience of appointing more Committees. In a few days most of the Committees now sitting would have finished their labours, and with regard to the election Committees there would be only a few sitting at one time, consequently no difficulty would be found in selecting a sufficiently large number of hon. Gentlemen to institute an inquiry into the causes of the inequality of the poor rates in the Metropolitan District. The House ought not to be frightened by the bugbear of too many Committees, advanced by the Government. It was only the other evening that an hon. Gentleman obtained a Committee of fifteen Members to investigate a subject which could have been inquired into by a third of the number. The Government put fifteen Gentlemen upon a perfectly useless Committee, and then, when he brought a subject of real importance before the House, he was told that it could not be investigated, because so many hon. Members were engaged in other inquiries.

Question put.

The House *divided*:—Ayes 81; Noes 123: Majority 42.

DIVISIONS ON WEDNESDAYS.

REPEAL OF STANDING ORDER PROPOSED.

MR. PACKE said, that when the House was sitting on Wednesdays, hon. Members attending Committees were frequently unable to get to the doors in time for divisions on important questions, and the haste with which those who wished to be in time were obliged to traverse the distance from the committee-rooms was attended with some danger and great inconvenience. He hoped the House would assent to extending the time from two to four minutes on that day, for though the time lost would be very small, the gain to the 250 hon. Members now attending Committees would be very great. He therefore moved that the Standing Order on Divisions relating to turning the two-minute sandglass be repealed, and that the following Order be substituted:—

> "That so soon as the voices have been taken, the Clerk shall turn a two-minute sandglass, to be kept on the table for that purpose, and the door shall not be closed until after the lapse of two minutes; except on Wednesdays, when the Clerk shall turn the two-minute sandglass twice, and the doors shall not be closed until after the lapse of four minutes, as indicated by such sandglass."

Motion made, and Question proposed, "That the Standing Order on Divisions relating to turning the two-minute sandglass be repealed."

MR. FITZROY said, he thought that the hon. Member had not sufficiently considered the manner in which the Order of the House was carried out with respect to Divisions. It appeared to be assumed that the whole time allowed to hon. Members serving on Committees was from the time the glass was turned to their arrival at the door; but such was not the fact. If any hon. Member were in sight, within 100 yards, the doors remained open until he had had an opportunity of entering the House. Upon the second division last night, five minutes elapsed after the glass was turned before he could proceed to put the Question, because so many hon. Members, not expecting a division, had gone to distant parts of the building, and one after another appeared in sight. By the adoption of the proposed rule, considerable hardship would be inflicted upon private Members unconnected with the Government, who already complained that they had too short a time to enable them to carry through the Bills they might bring in. The House was frequently in Committee on these Bills on Wednesdays, and if double the present time were occupied in Divisions, a considerable deduction would have to be made from the opportunities at the disposal of independent Members to pass their Bills. It was not for him to say whether it was important that Gentlemen who had heard none of the arguments should rush in and vote at a division, or whether it was a national evil that they should be prevented from so doing. The hon. Gentleman had made out no practical grievance, and he therefore thought it undesirable to change the rule of the House.

MR. STAFFORD said, he thought that the arrangements of the House on Wednesdays were very happy, but at the same time many hon. Members engaged up stairs were unable to reach the House in time for divisions. He thought that the arguments of the Chairman of Committees answered each other, because he first opposed the Motion on the ground of the time that would be lost, and then said that, instead of four minutes, as his hon. Friend proposed, five minutes were always given before the doors were closed. He thought that the right hon. Gentleman had not succeeded in proving that four minutes were longer than five. As to giving votes when hon. Members had not heard the arguments, could the right hon. Gentleman name one question on which any hon. Member's opinion had been influenced by the arguments he had heard? They had heard last night, it was true, a right hon. Gentleman on that side of the House (Sir J. Pakington) say that he had changed his opinion, but that was not in consequence of anything he had heard in that House. The case made out by his hon. Friend was so strong that he should support the Motion.

MR. BIGGS supported the Motion. He had been sitting on a Committee up stairs for three weeks, and was likely to serve for three weeks longer. He was therefore interested in the adoption of the rule, and he thought it highly unbecoming the dignity of hon. Members that they should run screaming along the lobby to prevent the door-keeper from shutting the door upon them.

VISCOUNT PALMERSTON reminded the hon. Gentleman (Mr. Stafford) that the Motion did not apply to questions of party divisions. It referred to Wednesday, the day on which private Members' Bills were considered. Upon those an hon. Member usually exercised an unbiassed judgment, influenced but little by party considerations. The hon. Gentleman asked whether the opinion of hon. Members was ever influenced by the arguments they heard. He recollected a story of an hon. Member in former times who was asked whether he had ever heard a speech that altered his opinion. He said, "Yes, I have heard many speeches that have altered my opinion, but I have never heard one that altered my vote." That might have been the case in former times, but it would be a bad compliment to the present House of Commons to say that this was the rule that regulated their proceedings. Yet the present Motion went entirely to the adoption of this principle. The practice of the House was, that before a division, two minutes should be given to allow hon. Members to come in from the library and the lobbies. This rule assumed that they had heard the debate, although they might be absent for the moment. But to propose calmly and deliberately that hon. Members who had been the whole day in Committee-rooms, thinking of entirely different matters, who had not heard a word of the discussion, should have time given them to come down and vote upon a question of the merits of which they were wholly ignorant, was a sarcasm and burlesque upon the proceedings of Parliament. If hon. Members were to be allowed four minutes to come down from Committee-rooms, why not extend the time further, and allow time for hon. Members who were at White's, and Brookes', and other clubs, to come down to vote? He would rather see vote by proxy established, because the person who held the proxies did hear the debate, and exercised his judgment upon what he heard. He entreated the House, for the sake of the character of Parliament and the dignity of its proceedings, not to agree to a Resolution that hon. Gentlemen who knew nothing of a debate should be able to come and influence the division by their votes.

MR. PACKE said, the arguments he had heard against his Motion made him feel extremely confident that his view was a right one. The Chairman of Committees said that when the door was open the door-keeper could see an hon. Member a hundred yards off, but the lobby was frequently so crowded with persons that it was impossible to see who was coming in, and hon. Members were sometimes physically unable to reach the door in time to vote. The noble Viscount (Viscount Palmerston) said that the House was not engaged in party questions on Wednesdays, but last Wednesday the House was occupied with some of the great constitutional questions of the Session — namely, the no-property qualification, and the other flowers of the "political bouquet," as it was called. The noble Viscount said that hon. Members who had not heard the debate were not in a fit state to vote, but the Standing Order that every hon. Member should hear the question put from the Chair implied that he was qualified to vote on hearing the question at issue put from the Chair; otherwise the House ought to refuse to allow hon. Members to vote who were in the smoking-room, the dining-room, and the library when a division was called. Hon. Members were called upon to serve on Committees up stairs, and were they to lose their right to vote on the questions before the House because six or eight minutes in the course of a Wednesday afternoon might be lost?

Question put, and *negatived.*

GRAND JURIES (IRELAND) ACT (1836) AMENDMENT BILL.—COMMITTEE.

Order for Committee read, House in Committee.

SIR THOMAS BURKE said, the Bill

altered the whole machinery of the Grand Jury Bill of Ireland, and he hoped the Government would not proceed with it at that late hour (twenty minutes past twelve). He should move as an Amendment that the Chairman do report progress, and ask leave to sit again.

Mr. MAGAN said, he thought it was very unreasonable that he should be prevented from going on with the Bill now that the House had gone into Committee. He was fully prepared to meet any arguments which might be urged against it.

Mr. BLAND said, there were at present many defects in the law, and under certain circumstances the grand jury had not power to repair the roads, and in his county there were eighteen Irish miles of road out of repair. If the Bill were not passed before the assizes, another year would elapse before the roads could be repaired.

Mr. P. O'BRIEN said, he could likewise bear testimony to the injurious consequences of the present state of the law.

Mr. H. A. HERBERT said that, when the Bill was introduced, there appeared to be no objection to its principle, and he was surprised to hear objections now urged against proceeding with it. It was a very useful measure, and he hoped the Committee would go on with the consideration of the clauses.

Mr. BAGWELL said, that objections were formerly waived in consequence of a statement from the right hon. Gentleman the then Secretary of Ireland, that the Bill would be productive of beneficial results. If the Bill passed, the whole control of the roads in Ireland would go into the hands of the county surveyors.

Mr. KIRK said, it was his belief also that the Bill would change the whole system of grand jury presentments in Ireland; in fact, making the county surveyor the contractor without any check whatever on his proceedings.

Mr. NAPIER said, he thought that the Committee would be stultifying itself by impeding the progress of the Bill, which upon introduction met with general approval, and was allowed to pass its second reading without any remarks in opposition to it.

Mr. J. D. FITZGERALD said, the Bill merely provided for an exceptional case, that exceptional case being a great evil. The dangers which had been shadowed out were purely imaginary.

Lord NAAS said, he thought that the Bill as it now stood would lead to great abuses. The county surveyors of Ireland were a grasping body, who were extremely well paid for doing very little work.

Motion *negatived.*

Clause 1 (when no contract entered into for works approved of at Sessions, grand jury may do so).

Mr. MAGAN said, he was tired of the Bill, and would rather that the Chief Secretary for Ireland should take it into his hands.

Lord NAAS proposed to omit from the clause the words "or construction."

Mr. H. A. HERBERT would prefer to have the clause as it stood, but rather than the Bill should not pass he would advise its hon. and gallant author (Mr. Magan) to consent to the omission of the words.

Mr. MAGAN, however, objected.

Amendment proposed, in page 2, line 6, to leave out the words "or construction."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 52; Noes 14: Majority 38.

Sir ROBERT FERGUSON said, he objected to the present measure, that it would destroy the system of free competition. He was of opinion that the whole question of county surveyors should be considered by a Select Committee. He would move an Amendment to that effect.

Amendment proposed, in lines 8 and 9, to leave out the words "or, if they shall see fit, to direct the county surveyor to execute the same."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 36; Noes 25: Majority 11.

Clause *agreed to.*

Clause 2 (Treasurer to advance on Certificate of Surveyor any sum not exceeding that presented for).

Mr. KIRK said, he believed the clause would be inoperative. The grand jury were not authorized in raising money except for a specific purpose.

Motion made, and Question put, "That the Clause stand part of the Bill."

The Committee *divided:*—Ayes 37; Noes 19: Majority 16.

Clause *agreed to.*

Mr. MAGAN moved, in addition, a clause to provide that in the event of the non-attendance of a justice at the place appointed for presentment session, the secretary of the grand jury should have power to adjourn such session to a future day.

Mr. KER said, he objected to a Bill of that importance to Ireland being proceeded with at so late an hour (twenty minutes to two), and moved that the Chairman do report progress, and obtain leave to sit again.

Mr. J. D. FITZGERALD said, he would recommend the withdrawal of the clause, as one which might act injuriously to the interests of the cesspayer.

Clause *withdrawn.* Remaining clauses *agreed to.*

House resumed.

Bill *reported,* without Amendment, to be read 3° *To-morrow.*

GRAND JURIES (METROPOLITAN POLICE DISTRICT) BILL—COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. AYRTON said, he should move that the Bill be committed on Monday next. He had Amendments to propose.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day week, resolve itself into the said Committee," instead thereof.

Sir FREDERIC THESIGER said, he must complain of the hon. and learned Member for not having given him notice till within half an hour.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

House in Committee.

Mr. AYRTON moved that the Chairman do report progress.

Sir FREDERIC THESIGER said, he must protest against the line of conduct pursued by the hon. and learned Member. The Bill had been most carefully drawn; and, as its principle had been approved of, there was no reason why it should not be forwarded as speedily as possible.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided:* — Ayes 4; Noes 33: Majority 29.

Clause 1.

Mr. AYRTON said, he objected to the total abolition of the grand jury in the metropolis, without sufficient provision that the subject should of right be able to prefer a criminal charge without going to a stipendiary magistrate, or without going to the Attorney General. He desired to introduce into the Bill a clause to the effect that a man should have the power of carrying on a prosecution without being defendant on the decision of a single magistrate. He should move the omission of the clause.

Mr. MAGAN deprecated the course adopted by the hon. and learned Member.

Mr. COBBETT opposed the clause.

Notice being taken that Forty Members were not present, the Committee was told; and Forty Members not being present, Mr. Speaker resumed the Chair; and having counted the House, and Forty Members not being present,

The House was adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, June 17, 1857.

Minute.] Public Bill.—3° Grand Juries (Ireland) Act (1836) Amendment.

GIUSTINIANI'S OATH BILL.

SUSPENSION OF STANDING ORDERS.

Mr. MONSELL said, that the Princess Giustiniani had obtained a Bill of naturalisation; but, before it could pass a second reading in the House of Lords it was necessary that she should take certain oaths before the Houses of Parliament. The lady had obtained property in this country, but being in a delicate state of health, and a resident at Florence, at present it would be most convenient that she should be permitted to take the oaths before Her Majesty's Minister at Florence. It was also desirable that the Bill for that purpose should pass as speedily as possible, and with that view he should move that the Standing Orders be suspended, in order that the measure might pass through its earlier stages. It was one to enable the Princess to take the oaths before Her Majesty's Minister at Florence, instead of before the two Houses of Parliament.

Ordered, "That, in the case of Giustiniani's Oath Bill, the Standing Orders be suspended."

Bill read 1°; 2°, and *committed.*

Leave given to the Committee to sit and proceed and report forthwith.

REGISTRATION OF LONG LEASES (SCOTLAND) BILL—COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1.

Mr. DUNLOP explained the object of the Bill to be to simplify the laws relating to registration in Scotland, and to extend their operation to the case of long leases. The Bill would only apply to leases of not less than thirty-one years.

The LORD ADVOCATE expressed his approval of the measure. As the law at present stood the "land rights" in Scotland might be registered either in the register of the county within which the lands were situated or in a general register, and the Bill provided that leases for a period not less than thirty-one years, which were not now subjected to the operation of the law, should be registered in the same way. The Faculty of Advocates objected to the Bill upon the ground that it would interfere with the rights of the landlord, and they had requested him to oppose its further progress, but he did not think that such would be its operation. The effect of the measure would be, he might add, not merely to provide a record of leases open to inspection, but to make long leases of land a proper subject of security for debt, and the landlord could not fairly be said to have any interest in the matter. It had long been his intention to move the issue of a Commission to inquire into the state of the registration in relation to boroughs and counties in Scotland, and he believed considerable improvements might be effected in the present system. That question was one, however, which required some consideration, and he should in the meantime give to the Bill of his hon. and learned Friend his cordial support.

Clause *agreed to*, and the Bill passed through Committee.

House resumed.

Bill *reported;* as amended, to be considered on *Wednesday*, 1st July, and to be *printed* [Bill 67.]

INDUSTRIAL SCHOOLS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 2.

Mr. GREGORY, in page 2, line 19, after the word "child," moved to insert, "or in case of an orphan, then the guardian or guardians, or nearest adult relative of the child," its object being to prevent the child being educated in the principles of a creed to which it did not properly belong.

Mr. ADDERLEY submitted that the Bill provided against the danger apprehended by the hon. Gentleman, and thought that the Amendment was wholly unnecessary.

Amendment negatived.

Clause *agreed to ;* as were also Clauses 3 and 4.

Clause 5.

Sir GEORGE GREY said, that the Clause provided that when a child was taken into custody on the charge of vagrancy, the justices might remand it for a week, for the purpose of making further inquiries. He would propose the insertion of words "on the charge being proved," with the view of preventing the child being committed to prison on an accusation of which it might be innocent.

Mr. MULLINGS agreed in the proposed Amendment, believing that every precaution ought to be taken against the child's mind being contaminated by being sent to prison.

Lord EDWARD HOWARD thought that some provision ought to be introduced into the Bill to prevent its interfering with the liberty of the subject. Suppose a family passing through a town with the intention of emigration, if one of the children should ask a passer-by for a halfpenny, as the measure stood that child might be sent to prison for three years ; and if in the meantime its parents should leave the district, there would be a cruel severance of family ties, which were as strong in a poor man as in a rich one.

Sir GEORGE GREY said, the Bill created no new offence. It merely dealt with laws already existing, and it allowed a child offending against those laws to be sent to school instead of to prison. As for the case of parents emigrating, he would remind the noble Lord that Clause 11 gave the magistrates power to discharge a child on being satisfied that it would be taken proper care of.

Mr. PALK thought there ought to be introduced into the Bill a provision that parents should have sufficient notice before their children were disposed of.

Mr. G. H. MOORE instanced a case where a family passing through Glasgow on their way to Ireland, a child of the family was taken into custody, and was committed for vagrancy to a reformatory, and compelled to attend Protestant worship. Proof was offered by the parents that they were returning to Ireland, but the managers refused to give the child up. The right hon. Baronet (Sir George Grey) was then appealed to in the case, and he at once confirmed the decision, although the case was a most unjust and cruel one.

Sir GEORGE GREY said, he did not remember the case, but he should be glad if the hon. Gentleman would supply him with the particulars. He would then inquire into it.

Mr. DE VERE said, that this Bill might not create a new list of offences, but it visited vagrancy with new consequences. He regarded the probable consequences of such a harsh application of the existing law with the greatest distrust.

Mr. ADDERLEY reminded the Committee that this was not a penal Bill, but one to provide tutelage and care for those whose parents had abandoned their duties. He had no sympathy with those who desired to preserve the shadow of parental responsibility while they left the chilren to wander about the streets.

Mr. BUXTON said, the parents of the poor were as much attached to their children as any other class. A father of a family might be taken ill, and the mother might be out with her children, one of whom might ask a kind-hearted person to give him a halfpenny, and then some officious policeman might come up and take the child into custody, and that child, if eight years old, might, under this Bill, be torn from its parents for seven years. That might not be an act of cruelty to the child, but he was sure that it would often be one of the very greatest cruelty to the parent.

Sir GEORGE GREY said, that a policeman must not be stigmatised as "officious" because he arrested a person for begging in the street. Such a practice was most injurious, both to the persons who adopted it and to deserving objects of charity.

Mr. BRISCOE expressed a hope that children would, under no circumstances, be sent to gaol, not even on a remand.

Mr. ADDERLEY said, he would undertake to insert words, on the bringing up of the Report, that would render it impossible for the idea of remanding the child to the lock-up to occur to the mind of the magistrate.

Mr. HEADLAM said, the Bill seemed as little harsh either to child or parent as it could be.

The Marquess of BLANDFORD thought the clause was really a protection to children against the conduct of persons who were unworthy of the name of parent.

Mr. FOLJAMBE thought that a good deal must be left to the discretion of magistrates, who would easily decide whether or not a child should be dealt with under this Act.

Mr. MAGUIRE said, that he had known magistrates, both in England and Ireland, act in so oppressive a manner and with so much indiscretion to the poor that he was unwilling to confer upon them in a measure of so penal a nature as this, a jot more power than the House was compelled to allow them. If the men at that house or any other place were to be thrown out of work, an Irishman might be sent back, unless he had been in London five years. Under these circumstances, one of his children, under an overpowering necessity, might go out to beg, and it would be very hard that in that case the father should be deprived of the comfort and solace of that child's society. He was not disposed to allow the magistrates any discretion.

Mr. DUNLOP thought there was no danger that one of the results of the Bill would be, that people would send out their children into the streets, in order that they might secure the advantages of this measure. A similar measure had been in operation for three years elsewhere, and no such results as these had come from it. He thought that this Bill would confer a great benefit on both parent and child; while he believed that it prevented them from being oppressed or pressed upon with undue severity by every necessary safeguard. By giving the very trifling security of £1 that the child should not be again guilty of vagrancy, the parent could prevent his child being sent to a reformatory.

Mr. HACKBLOCK suggested that the clause should only apply to young persons who are "well-known beggars or vagrants."

Mr. HENLEY said, he wished to point out the confusion that would be produced by the language of the clause. The words it contained were "begging or vagrancy," implying that there was a distinction between the two; and thereby creating an entirely new offence. Begging in itself was a species of vagrancy, and was now included under the head of that offence.

Was it intended by this clause that if a child who swept a crossing asked for a halfpenny he should be taken into custody? They were told, indeed, that the Bill was to be restricted to acts already within the scope of the law, but the words used opened a very wide door to laxity of interpretation. No doubt £1 seemed a small sum to be exacted from the parent as security, but it should also be remembered that when a poor man went before a magistrate and entered into recognisances he was mulcted in a considerable amount for fees. With regard to the power of remand, there was no place to which a child could be sent by a magistrate except to a gaol or a station-house, neither of which were suitable for such a purpose. These were all points which required careful consideration, and unless the clause were so amended as to obviate the objections he had indicated, he should have no alternative but to oppose it.

Mr. BAINES said, the observations of the right hon. Gentleman (Mr. Henley) showed that the clause needed revision. He (Mr. Baines) trusted that the hon. Member for Staffordshire (Mr. Adderley) would not consider that the Government wished to oppose the Bill in any way; all they wanted was to make the Bill as perfect as possible, for if its present defects were not removed, the object of its introduction would be defeated. The promoters of the measure did not wish to create a new offence, but to provide a new mode of dealing, in the case of children, with an existing offence. Begging was an offence under the present Vagrancy Act, and therefore the distinction set up by the phraseology of this clause could only produce ambiguity. The place to which children taken into custody under the provisions of the Bill should be remanded ought also to be better defined. At present he feared a magistrate would feel himself compelled to remand a child either to a lock-up prison, or the custody of the police, which he thought was not desirable.

Mr. ADDERLEY said, he was quite ready to omit the words "or begging," and to retain merely the word "vagrancy." He had not adopted the present phraseology of the clause from any love of tautology, but simply because he had felt bound to follow the language of existing local and general Acts against vagrancy. With regard to the other objections taken to the wording of the clause, he hoped, as they were all agreed on the principle, that the clause would now be passed, and the necessary Amendments reserved till the bringing up of the Report.

Mr. HENLEY said, he could not admit that they were all agreed upon the principle. It would be very convenient if the hon. Gentleman (Mr. Adderley) would inform the Committee of the nature of the offences specified in the local Acts to which he had referred. He (Mr. Henley) was not aware that the present law distinguished between begging and vagrancy. A great principle was involved in the question whether a child was to be remanded to a gaol or to some other place; and the clause ought to be postponed to enable that point and others to be cleared up.

Mr. ADDERLEY said, he would again express his willingness to insert words on the Report to prevent children from being remanded to prison. If the Committee could not accept that promise let the clause be postponed.

Mr. BOWYER said, that the hon. Member for Reigate (Mr. Hackblock) had hit the blot when he pointed out that the Bill made no distinction between accidental and habitual begging; for he could not but regard the measure, notwithstanding all that had been said, as a highly penal Bill, as it would enable a child to be taken into custody and kept there for a whole week, even though the place of its confinement might not be a prison. It was easy to say that a parent could prevent his child from being sent to a reformatory by going before a magistrate, and giving security against his begging again. But the fact was, that people of that class were too much afraid of the police and the authorities to do this; nor was it so easy as seemed to be supposed, for them to give security even to the amount of £1. Its provisions should therefore be restricted to the case of the habitual vagrant, and ought not to apply to any child who, under the pressure of temporary want, was found begging on a single occasion. As this clause was to be postponed, he wished now to give notice of an Amendment to the effect that when one of these poor children was taken into custody, not only should the parent or the person with whom it was known to have been last residing be apprised of the fact, but that the same intimation should be given to the minister or officiating clergyman of any church or chapel which the child or its parents might have usually, or from time to time, attended. Such a provision would throw an additional protection around this unfortunate class, and tend to mitigate the evils to be apprehended from the clause in its present shape.

Mr. BRISCOE suggested the insertion in this Bill of the corresponding clause from the Scotch Industrial Schools Act as a means of obviating difficulties. That clause empowered the sheriff or magistrate to remand a child for forty-eight hours to the poor-house, for the purpose of instituting the necessary inquiries previous to sending it to an industrial school.

Mr. PEASE said that, however favourable he might be to the objects of the Bill, he could not support it, because the means by which it was sought to carry it out trenched so closely on civil and religious liberty.

Mr. E. BALL said, he was sorry that so great an authority as the hon. Gentleman who had just sat down was against the Bill, but still he thought that the object of the Bill was a humane one. It was to substitute the school for the prison; and he therefore hoped that there would be no objection to so benevolent a principle. There might be objections to particular clauses; but if the measure was sound in principle he hoped it would receive the sanction of Parliament.

Mr. ADDERLEY said, he would consent to postpone the clause.

Mr. NEWDEGATE said, he thought it was the wish of the Committee to avoid sending children to prison. He believed it to be desirable to establish a connection between the union and the industrial schools, improving the former in every way in which improvement could be effected.

Viscount GODERICH observed, that this last suggestion came a month too late, and ought not to be acceded to.

Mr. HENLEY said, he would recommend, now that the clause was to be withdrawn, that a discretionary power should be granted to magistrates of sending to industrial schools children who come under the provisions of the Reformatory Schools Act. That would greatly simplify the measure, and remove all difficulty as to the class of young persons with whom they should deal.

Mr. MILES said, it would be unjust to place children apprehended under this Bill, and who had committed no crime, in reformatory schools, which were intended for criminal children. Industrial schools and reformatory schools should be kept perfectly distinct.

Sir GEORGE GREY said, that the suggestion of the right hon. Gentleman (Mr. Henley) was a very good one, but it could not be adopted at present, because there were no industrial schools in existence, and therefore, if the present system of sending the children to reformatories were altered, serious inconvenience would be the result.

Mr. ADDERLEY said, it was a mistake to say that there were no industrial schools at present. There were several, and if this Bill passed many more would at once come into existence.

Sir GEORGE GREY observed, that the clause could not be postponed, as the order of proceeding would not allow that to be done; but if it were negatived, the hon. Member might bring up a fresh clause on the Report.

Clause *struck out.*

Clause 6 (Power to commit under other Acts).

Mr. MILES said, that it distinctly gave to magistrates the power which he complained of—namely, to send vagrant children to reformatory schools, and he therefore moved its omission.

Sir GEORGE GREY remarked, that if Clause 5 had not been struck out it would have been immaterial whether this clause remained or not.

Mr. HENLEY suggested that, inasmuch as the very pith of the Bill—namely, the 5th clause, had been struck out, and the clause under discussion, as well as several succeeding clauses, depended upon it, the Chairman ought to report progress.

Mr. ADDERLEY said, he would give up the Bill if the Committee reported progress; for he should not succeed in getting it passed this Session if such a course were adopted. Clause 5 was not the pith of the measure; and if the right hon. Gentleman (Mr. Henley) wished to get rid of the measure, let him do so by a direct Motion, and not by a side-wind.

Mr. MONCKTON MILNES appealed to the House to let the Bill pass as it stood, because he knew that the hon. Member (Mr. Adderley) had bestowed great pains upon it, and believed that it would be a very useful measure.

The Marquess of BLANDFORD objected to a postponement of the Bill, but suggested the withdrawal of clauses from 6 to 10 inclusive, as they were connected with the clause just struck out.

Mr. HENLEY remarked, he must disclaim all intention of getting rid of the

Bill by a side-wind. He, however, thought it would be mere waste of time to discuss it until the House knew the nature of the clause to be substituted for Clause 5. He wished the particular offences to be specified for which people were to be taken up. As the Bill now stood, everybody might be apprehended by the police.

Mr. ADDERLEY said, that the right hon. Gentleman (Mr. Henley) knew well that to report progress would be to reject the Bill.

Viscount GODERICH said, he should not vote for reporting progress.

Mr. M'MAHON thought they could not go on with the Bill after striking out Clause 5.

Sir GEORGE GREY was afraid that much difficulty would be experienced in proceeding with the Bill after the withdrawal of Clause 5. He would suggest that this clause should be negatived, and then, on Clause 7, they could determine what children it should apply to.

Clause 6 *struck out.*

Clause 7 (Justices may require security for the child's good behaviour).

Mr. BARROW said that, inasmuch as the Court of Queen's Bench had determined that wherever the word "may" occurred in Acts of Parliament with reference to the exercise of magisterial powers it was to be construed as if it were "must" or "shall," the words in this clause "may send such child to an industrial school," would deprive magistrates of all discretion to dismiss cases if they should think fit. He therefore proposed the insertion of certain words which would enable magistrates to dismiss charges if that should seem to them to be the best course. He should also be disposed to strike out the proviso respecting security, because the parents of such children could not in many instances find such security and pay a recognisance of £1. He thought the magistrate should discharge the child altogether on an assurance of the parent that he would take care of him, or order him to be sent to the school.

Mr. ADDERLEY said, he had no objection to substitute "if they may think fit," for the word "may." He did not think that the provision requiring securities should be struck out, for there was at the present moment a child supported in the Redhill establishment whose father was the owner of six houses in London.

Mr. BARROW said, he would first move his Amendment — namely, to add after the word "may" the words "if he think fit, discharge the child altogether, or." When that was disposed of, he should propose another Amendment with regard to the securities.

Mr. ADDERLEY assented.

Mr. BOWYER objected to the clause, as introducing an anomaly and a novelty into the laws of England, inasmuch as it would enable a magistrate, in the absence of a conviction, to require a person who had committed no offence to give security for his good behaviour.

Mr. M'MAHON suggested that children might be maliciously apprehended under the Bill, and that it was therefore expedient to give magistrates the power of awarding costs to the parents in such cases.

Lord LOVAINE did not see how the parents could be compelled to pay towards the maintenance of their truant children, unless by some such provision as was contained in the Bill.

Mr. KENDALL anticipated much evil from the operation of the Bill, in the case especially of honest industrious men with large families, and any one or more of whose children had unfortunately been guilty of crime.

Mr. MILLS, on the other hand, thought that the measure would be a great advantage to the ratepayer. At present there were parents who earned 35*s.* a week, and refused to contribute to the support of their children in reformatories.

Sir GEORGE GREY said, the Amendment of Mr. Barrow proposed to confer rather a novel power upon the magistrates, though he believed it was already exercised by them in some cases, and therefore he would not object to it. It was desirable, however, to settle that before they proceeded to consider the general effect of the clause relating to the recognisances to be given by the parent for his child's behaviour.

Amendment *agreed to.*

Mr. KENDALL remarked that, if the security required by the clause were given by the father, and the child afterwards lapsed into bad conduct within the twelve months, the result would probably be that the father, forfeiting his recognisances, would be committed to prison. In many cases this would operate very oppressively upon the parent, and also very injuriously upon the ratepayers, since of course, if the head of the family were sent to gaol, the family must go to the workhouse.

Mr. ADDERLEY said, the whole tenour of the Bill had reference to children convicted of vagrancy.

MR. HENLEY said, that he considered that remark threw a totally different light on the Bill, which certainly did not convey to him the impression that it was only applicable to children convicted of vagrancy. He objected also to the proposed securities, on account of the oppression which would be exercised towards the father if his recognisances, even though amounting only to a pound, should be estreated. A long and expensive process would be necessary in this case, the end of which would probably be that the sheriffs finding no effects in the man's cottage, he would be committed to the county gaol as a debtor of the Crown, and would only be released after representations made to the authorities in London. Did the Committee think that, under such circumstances, the magistrates would ever order these recognisances to be forfeited? He believed they would not, and that this provision in the clause would be a dead letter; but, if not, it would certainly involve a penalty upon the father (who might not be to blame in the matter), which the Committee did not at all mean to attach. He hoped his hon. Friend (Mr. Adderley) would consent to strike this provision out of the clause.

MR. MILES agreed in every word which had fallen from his right hon. Friend, with regard to the difficulties attending the security which was to be given for the child's good behaviour. Would it not be better to deliver the child up to the parent upon a written promise from the latter that he would take good care of him for the next twelve months, making the father liable to a fine if the child were a second time convicted during that period? They would thus get rid of the difficulty attending these recognisances.

MR. BLAND urged the postponement of the clause.

MR. HENLEY recommended his hon. Friend to omit from the clause the provision requiring security to be given for the child's proper care and good behaviour during twelve months, leaving the Committee to consider upon bringing up the Report, what other means could be adopted to make the parent responsible.

MR. ADDERLEY assented, and

Motion *agreed to;* words struck out.

MR. SERJEANT O'BRIEN said, that the clause as it now stood, after the alteration just made, rendered a child liable upon a first conviction, no matter how willing the parent might be to enter into securities, to be sent to one of these institutions which, call them as you pleased, were nothing more than prisons. Such a provision would infringe most unnecessarily upon the liberty of the subject, and upon the natural relation between parent and child. A verbal promise had been made to introduce certain words on bringing up the Report, but he thought the matter so important, that the Committee ought not to be satisfied with such an assurance, and he suggested the postponement of the clause.

MR. DEASY said that, as the clause now stood, a child might be brought up before the justices at eight years of age, and sent to one of these institutions for six or seven years, until he was fifteen years old, during which period the parent would be compelled to contribute towards his support. This would be most unjust towards the parent and the remainder of the family, and most unjust towards the child so treated. He, therefore, moved the insertion of words limiting the term for which magistrates might order a child to be sent to an industrial school to any period "not exceeding two years."

Amendment proposed in page 3, line 22, after the word "period," to insert the words "not exceeding two years."

MR. ADDERLEY pointed out that by the 12th clause, upon application of the parent, or other persons, the justices were empowered to discharge the child from the school, if satisfied that a suitable employment had been provided for him, or that there was otherwise sufficient cause. This met the objection of the hon. and learned Gentleman, whose Amendment would be a positive cruelty to the child as well as an injury to society, for the child would then be discharged at the end of two years without probably a prospect of employment, or any provision that he would not be driven into the streets again.

MR. BOWYER said, he moved that the Chairman should report progress and ask leave to sit again. Clause 5, which was the foundation of the whole Bill, had been postponed; the most important portion—the very bowels in fact—of Clause 7 had also been postponed, so that they were now debating upon a mere hypothesis, and discussing a Bill which in reality did not exist.

VISCOUNT INGESTRE said, he should oppose the Motion for reporting progress, on account of the interest which was taken in the measure out of doors.

MR. SERJEANT O'BRIEN said that, if the hon. Member for Staffordshire would state that there was some security to be given by the parent upon which the child should not be sent to the reformatory, he would not support the Motion for reporting progress. Otherwise he should do so.

Mr. ADDERLEY said, that that should be provided for, and the only difficulty was as to the nature of the security to be given. Upon that point he should like to consult with his friends who were promoting the Bill. He should be glad, however, to take the sense of the House upon the Amendment which had been moved by the hon. and learned Member for Cork, as to whether the period of retaining the child in the institutions should be restricted to two years or continued till the child reached the age of fifteen.

Mr. COWPER said, that the hon. Member for Staffordshire had shown such a desire to meet the wishes of hon. Members, that it would be rather unfair and uncourteous to persist now in the Motion for reporting progress.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 63; Noes 197: Majority 134.

Mr. HENLEY suggested that the period should be limited to four years, otherwise the detention might be very lengthened when the child was admitted at an early age. In the Reformatories Bill, five years was the limit.

Mr. ADDERLEY said, that his objection to this suggestion was the same as that which he had entertained to the Amendment which the Committee had just rejected. If the child could be provided for, there was ample power by the 11th clause of discharging him at any moment. But rather than adopt a limit which might result in these children being turned out upon the streets when there was no one to receive them, and which would render the beneficial operation of the measure nugatory, he would throw up the Bill altogether.

Mr. HENLEY said, the Bill fixed fifteen years when the child was to be discharged, whereas the hon. Member would rather lose the Bill than agree to discharge the child at fourteen and a half years old. The objection would not hold water; but he (Mr. Henley) should not, however, divide the Committee upon the suggestion.

Mr. BARROW said, the Bill was adverse to the principles of English law; for it was imprisonment without the consent of the parties. He gave notice, therefore, that on a future stage of the Bill, he should move to limit the period at which confinement in these institutions should cease, to the age of twelve instead of fifteen.

Mr. GARNETT said, the question was one of instruction and reformation rather than punishment, and the sooner the children were fit to be passed into the world, the better it would be for them and for the institution. He would, therefore, support no limit.

Mr. M'MAHON said, the Bill subjected the parent to liability for the maintenance of his child for an unlimited period; and he could not, therefore, support the Bill except the time was limited.

Sir JOHN TROLLOPE said, the parents were, under any circumstances, bound to support their children. He could not, therefore, comprehend this objection.

Mr. M'MAHON said, the Bill imposed charges of conveyance and other charges on the parents, as well as a maximum payment of 3*s.* a week for a period of seven years.

Lord LOVAINE asked if the hon. and learned Member meant to say that parents were not to be responsible for the support of their children, because all that the Bill said was, that parents should maintain their children either in the schools or out of them? That was all that the Bill said.

Mr. GREGORY proposed to insert the following proviso at the end of the clause:—

> "Provided, however, if within the county where the child was taken into custody, or any adjoining county, there shall be any certified industrial school conducted on the principles of the religious persuasion to which the parent of the child in the opinion of the Justices shall belong, and the managers of such school shall be willing to receive him, such child shall be sent to such last-mentioned school, and not to any other."

Mr. ADDERLEY said, that nothing was further from his wish than to tamper with the religious faith of any of the children, and he had no objection to the proposed proviso.

Mr. HENLEY asked whether there would be any objection to insert some limit to the distance that the children might be sent from the places where they lived?

Mr. ADDERLEY said, that if the parents wished to send the children to distant schools beyond the county or the adjoining county, he saw no objection to that being done, provided that the parents paid the expense.

Mr. HENLEY said that, as the Bill stood, there was nothing to prevent a child apprehended in Cornwall being sent to Cumberland or Northumberland, and he should like, therefore, to have some limit introduced.

Lord LOVAINE observed, that in the case of vagrant children there would be a great advantage in allowing magistrates to send them to schools at a distance from the place where they happened to be apprehended.

Mr. BRISCOE asked what was meant by the word "parent?"—father and mother, or either?

Mr. ADDERLEY said, there would be no difficulty on that head. With regard to the question of the right hon. Member, he thought it would be better to trust to the discretion of the magistrates, as was the case in the Reformatory Act.

Mr. PALK thought a distance ought to be defined. It would be a hardship on those who were born in thinly populated districts to be sent to manufacturing districts, where these schools would be first introduced, and to be obliged to mix with a race with whom they had no feeling in common, and whose language would be wholly unintelligible to them. [*Laughter.*] Hon. Members might laugh, but he doubted whether a native of the wilds of Dartmoor would be able to make himself well understood in the highly educated town of Birmingham.

Mr. G. H. MOORE reminded the hon. Member that it was to schools the children were to be sent, where the inhabitants of his native county might, by the provisions of the Bill, be taught the English language.

Viscount GODERICH said, that if the children were sent, as appeared from a subsequent part of the Bill, to these schools at the expense of the parents, the magistrate ought to be required to send them to the nearest schools.

Proviso *agreed to.*

Sir JOHN TRELAWNY said, the Bill would place the child, as it were, between two stools, because it would make in many cases the parent its enemy, while he would be sent out into the world without friends.

Mr. HENLEY said, he would move another proviso, to the effect that no child should be sent to an industrial school except in the county, or in the county adjoining to that in which he should be apprehended. If a child from Cornwall were to be sent to York or Cumberland, the expenses being inflicted on the parent, it would be a great hardship and injury.

Amendment proposed, to add to the end of the Clause the words "Provided also, That no child shall be sent to any Industrial School, except it be within the county or the adjoining county in which the child shall be apprehended."

Mr. ADDERLEY said, that the best check against sending a child to a distant school was the expense. The expense meant to be thrown on the parent by a subsequent clause was the expense of the child's maintenance, and not the cost of his conveyance to school.

Lord LOVAINE said, the provision would not meet the case of a vagrant child wandering at a distance from the county where he resided.

Mr. G. H. MOORE said, the proviso would defeat the object of the Bill.

Question put, "That those words be there added."

The Committee *divided*:—Ayes 55; Noes 200: Majority 145.

On Question, "That the Clause, as amended, stand part of the Bill."

Mr. COGAN objected to the clause as a most dangerous innovation on the constitution of the country and on the liberty of the subject. He would not, however, divide the House on the clause, as the principle had been affirmed by such large majorities; but he could not let the clause pass without recording his protest against it.

Mr. RIDLEY said, the clause only proceeded on the principle of other Bills already in existence. He still was of opinion, however, that the workhouse schools were the proper schools for children to be sent to, but believing he should have no chance of carrying an Amendment to that effect, he would not press it.

Mr. LIDDELL said, there was nothing to prevent any well-organized workhouse school from being certified under the Bill.

Mr. BRISCOE observed, that hundreds of pauper children were educated at Anerley, in Surrey, and brought up to various trades and employments; and he concurred in the remark that it was to the workhouse schools these children should be sent.

Mr. SLANEY said, he thought the country owed a deep debt of gratitude to the hon. Member for North Staffordshire for the attention bestowed on this subject, but he wished to point out the danger that might arise from the Bill—namely, that parents who were careless of their children might become doubly carelesss when they knew that the children they neglected would be taken care of by the public, and receive advantages which the children of most industrious and careful people were scarcely able to attain. He therefore thought it important to compel the parents of the children sent to these schools to pay in some way for the support of the children.

Clause *agreed to.*

Clause 8 *postponed.*

On Clause 9,

Mr. BOWYER moved that the Chairman report progress. He thought the Committee could not well go on with the discussion after Clauses 5 and 8 had been postponed, and the very bowels taken out of Clause 7.

Motion made and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee *divided* :—Ayes 16; Noes 192: Majority 176.

Clause *agreed to.*

Clause 10, (A parent may (under conditions) have a child sent to a school which he approves).

Mr. BARROW expressed his hope that such alterations would be made in the clause as would enable parents, at any time after their children had been sent to industrial schools, to apply for their transfer to other schools.

Mr. HENLEY did not see why, if magistrates determined to send children to Roman Catholic schools, and the parents wished them to be sent to Protestant schools, the parents should be mulcted in the expense of transferring the children to schools where they would be educated in the religion of their parents.

Mr. BLAND said, that if a parent, whose child was taken up for begging, was compelled to pay for the removal of the child from one school to another, it would amount to a prohibition.

Mr. COWPER said, the clause as it stood, gave parents the power of objecting to their children being sent to a particular industrial school upon any grounds. They might consider that one school was better conducted than another, and urge the removal of their children in the belief that they would obtain a better education, without any reference to religious teaching; and he thought, therefore, if the clause afforded so much latitude, that the parents ought to be called upon to bear at least a portion of the expenses.

Mr. HENLEY said, he would propose that after the word "objection" the words "on other than religious grounds" be inserted.

Mr. ADDERLEY said, he had no objection to the proposed alteration in the clause.

Amendment *agreed to.*

Mr. BOWYER said, he would move the omission of the words "and pays or finds good security to pay any expenses which may be incurred in consequence of his objection." The hon. and learned Member was stating his reasons for proposing the Amendment when

The House adjourned at Seven Minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, June 18, 1857.

Minutes.] *Sat First in Parliament.*—The Lord Lismore, after the Death of his Father.

Took the Oaths.—The Earl Ferrers; several Lords.

Public Bills.—1ª Grand Juries (Ireland) Act (1836) Amendment; Town Byelaws Revision.

2ª Police; Ministers' Money (Ireland).

MINISTERS' MONEY (IRELAND) BILL.

SECOND READING.

The Order of the Day for the Second Reading read,

Earl GRANVILLE: My Lords, although I never was more convinced of the wisdom of any measure than I am of that of the Bill to which I am about to ask your Lordships to give a Second Reading, yet on many grounds I feel my own unfitness to bring the case before your Lordships. I think, however, that it will be better for me, instead of making apologies for myself, to attempt to explain as clearly and as shortly as I can the grounds upon which Her Majesty's Government have decided to adopt this Bill as their own, and to recommend it to your Lordships' attention. This tax of ministers' money was imposed in the reign of Charles II. for the purpose of supporting Protestant ministers in eight of the principal towns in Ireland—towns in which, for political reasons, it was thought desirable to establish Protestant communities—and it was therefore a tax upon Protestants to support the ministers of their religion. I cannot help thinking that this is one instance among many which show how utterly futile are legislative attempts to coerce the people in their religious belief; because we see such towns as Cork, Waterford, and Limerick flourishing in spite of being subject to this tax, while some of the greatest and most prosperous towns, such as Belfast, have sprung up and reached to a high state of civilization and prosperity without being fostered by any such aid. I will first glance at one point which has been raised on this subject to the effect that the tax was originally imposed upon Protestants, and that therefore it would be unfair to release from it persons who bought property subject to its operation, but who avail themselves of religious scruples to evade its payment. Now although this consideration may be of some importance as regards the abstract rights of those concerned, it is of small practical effect with reference to the settlement of the question. But in the first place the fact is not sufficiently proved; because, although undoubtedly according to law no property could be held in these towns except by Protestants, yet I believe that, as in the case of most similarly arbitrary enactments, this law was not enforced; and much property was in fact held by Catholics. Twenty-eight years the tax had been imposed; in the reign of James II. an Act was passed to repeal it, and it was there described as "a new imposition of a very oppressive character." I do not quote this Act as an inducement to your Lordships to follow in the footsteps of that ill-advised king; but considering how soon after the imposition of this tax the Act for its abolition was passed, and considering that that king was not very likely to have the interest of the Protestants very much at heart, it is some evidence that even at that early period the tax was felt as a grievance by the Roman Catholics. This tax continued for many years, along with the questions of tithe and church rates, to excite in a most deplorable degree political and religious discord in Ireland. In the year 1833 an Act was passed which was of the greatest benefit to Ireland, and certainly of the greatest benefit to the Established Church of Ireland, for which great credit is due to the Government of Lord Grey, and more particularly to the noble Earl opposite (the Earl of Derby), who was then Chief Secretary for Ireland. One great point of that Act was the abolition of the church cess, which, he might remind their Lordships, was an imposition of far more ancient origin than ministers' money. It produced a far larger sum—£70,000 a year, and it was far more equally distributed, being borne by the whole country—by Protestant Dissenters as well as by Roman Catholics. Every reason that can be alleged in favour of the abolition of one is infinitely stronger in favour of the abolition of the other. However, the noble Earl will explain to your Lordships, I have no doubt, in what sense these two questions are different, and he will, I hope, give some information to the House as to whether it really was the intention of the Goverment of Lord Grey to omit the question of ministers' money from that Act. If such was the intention of the Government I will venture to ask the noble Earl the meaning of the 73rd clause in that Act—a clause which I confess has puzzled me and others very much—

> "And be it further enacted, that in all parishes and places where, by virtue of any law, statute, or custom, provision may heretofore have been made, by vestry or other assessment, for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine worship, or attendant or sexton, such provision by vestry or other assessment shall from and after the passing of this Act wholly cease and determine; and it shall and may be lawful for the said Commissioners under this Act, by and out of the proceeds of the said annual tax, and the other funds as aforesaid by this Act vested in them, to provide for all such purposes in such manner and proportions as to them shall seem fitting."

Not being a lawyer, I do not understand very clearly what is meant in this clause by the words "out of the proceeds of this tax," seeing that the tax had just been repealed; but, above all, I do not understand how it is that ministers' money could continue to exist after the passing of this clause. I have no doubt that excellent technical reasons may be given for it, and I have no doubt that the noble Earl can clearly state the intentions of the Government, and how far the clause was meant to go; but at present I cannot see why it does not include ministers' money, for the objections to the principle of ministers' money are quite as strong as to any of the taxes which it actually did abolish. I hope, therefore, that the noble Earl will be kind enough to explain what the Government intended to be the meaning of that clause. I do not wish to weary your Lordships by references to *Hansard* or by any quotations of that sort; I will, therefore, confine myself to stating that the Church Temporalities Act was advocated by Lord Althorp and his colleagues on the broad basis of the general state of Ireland and the tendency of the measure to remove the political and religious discord which convulsed that country. The noble Earl himself most ably and most eloquently advocated it on the principle "that the advantages to the Established Church are far more than counterbalanced by the odium attending its enforcement." He quoted the recommendation of the Committee—

> "But, without discussing the abstract question of right, your Committee are of opinion that there might exist in Ireland funds, under the direction of a board of first fruits, if rightly managed, sufficient in themselves for the whole of this charge; and it concludes by recommending the substitution of the first fruits of a certain annual tax, from 5 to 15 per cent, on all benefices of a certain annual value, and proposes that the fund so raised should be applied to the removal of church cess."

And he went on to say, "upon that very principle this measure proposes to provide for the church cess. Every single argument of that sort applies in an infinitely greater degree to the principle of ministers' money.

Some little time after that—about fifteen years ago—the question of ministers' money was brought before Parliament; but the proposition to abolish it altogether was negatived. In 1848 a Committee of the House of Commons was appointed to examine into the whole question. That Committee, as far as one can judge from the Report and the Minutes of its proceedings, appeared to be unanimously of opinion that the evils of the tax were great, although they differed as to the exact mode of removing them. After that the opposition to the tax went on gaining ground by the good sense of the House of Commons and by the ventilation which it obtained, and various propositions were made for its repeal, which were met, not by a direct refusal, but by different objections, generally based on the principle of postponement until the funds from which the tax might be replaced had grown more ample. At last it got to such a point under the Government of the noble Earl opposite (the Earl of Derby) that a promise was given that a Bill should be brought in to settle the question. I know very well that a Government has no right to ask another Government to state in what way they would remedy an evil; but when the noble Earl opposite, with his weight and influence in this House, takes upon himself to ask your Lordships to reject altogether the proposition of Her Majesty's Government, I think it will be desirable that he should state what the measure of his Government was, or, at all events, the general principle of it—whether it was exactly the same as the measure which was shortly afterwards passed into law, which has to a certain extent failed, or whether it contained other provisions which would have met the difficulties of the question. The noble Earl's Government was succeeded by the Government of the noble Earl below me (the Earl of Aberdeen). This question was considered by them, and a Bill was brought in on the subject and was passed. The objects of this Bill were excellent, but I hope it is not humiliating to say—having been a party to the passing of the next Bill—that, though some of its principal objects have been most efficiently secured, others have entirely failed. The principal objects of that Bill were, in the first place, to secure a fixed income to the clergy in lieu of the precarious incomes hitherto received by them; next, to relieve them of the unpopularity to which they were exposed by having to collect this tax by their own collectors; and, thirdly, to release from the tax altogether certain classes of poor householders. It is worth while to see, first of all, how far this last object has been carried out. The proportion of houses in the different towns relieved by that Act is as follows—Dublin, 3-7ths; Cork, 4-5ths; Clonmel, 8-9ths; Drogheda, 10-11ths; Kilkenny, 10-13ths; Kinsale, 6-7ths; Limerick, 13-14ths; and Waterford, 5-9ths. In all, seventy-four per cent, or three-quarters of the whole number of householders have been relieved. But although the ministers were mulcted of 25 per cent of their incomes, yet it has given them the greatest satisfaction to have paid directly from the Ecclesiastical Commissioners that reduced income, which is, in fact, much greater than they have ever succeeded in collecting themselves. The great evil which the Act failed to meet was the difficulty of collecting the tax. It was enacted that the Ecclesiastical Commissioners should be repaid by the corporations of the towns subject to the tax, which should themselves collect it and pay it to the Paymaster of the Civil Services, who should hand it over to the funds of the Ecclesiastical Commission. This provision has entirely failed. Dublin has collected the tax under peculiar circumstances which I do not think it advisable to go into your Lordships' House, but the other seven corporations have absolutely refused to collect it. It was not an agreeable thing for the Executive Government to have to call upon large public bodies to make themselves the instruments of enforcing the payment of a tax from their fellow-citizens which individually they looked upon as unjust and unfair, and which they had in their own persons resisted; but the duty of the Government was to see the law carried out, and from this they did not abstain. They brought an action against the principal offender, Cork; they got a judgment to the amount of £3,000, accompanied, however, by a declaration from the Judges that the law was, in their opinion, inoperative, and that its machinery was inadequate. Some of the most learned counsel in Ireland—among them gentlemen opposed to Her Majesty's Government—advised an appeal. Notice of an appeal was given, and according to the information which I have received, that appeal is not likely to be settled in less than two years; so that the result will be four years' arrears of the tax—two already due, and the two that will elapse during the hearing of the case. Now, I put it to the good sense of your Lordships whether, in such circumstances as these, the Government had any other alternative than that which they have adopted. It is clear that if this tax were collected for Imperial purposes, it would be infinitely more wise and more advantageous to Her Majesty's Treasury to charge the whole amount on the Consolidated Fund than to raise it in the manner now done, and to be compelled to resort to expensive legal proceedings for a very doubtful issue in the end. I ask whether there is any noble Lord, being a friend of the Church of Ireland, or of England itself, who is prepared to suggest a course that it would have been more desirable for Her Majesty's Government to have adopted. For myself, I must say I am at a loss to see the alternative that was in the hands of the Government.

My Lords, I have now stated, as clearly as I can, the course of proceedings by which Her Majesty's Government were led to the conclusion that they ought to adopt this measure. It is not for me to anticipate objections, but I am bound to bear in mind that the noble Earl opposite (the Earl of Derby) has given notice of a Motion that the Bill should be read a second time this day six months. The noble Earl will, with the great ability that characterizes him, discover every possible objection that can be brought in the slightest degree to influence your Lordships against the Bill, and I have no doubt he will state those objections in that clear, minute manner, and with that particular charm that will oblige your Lordships, not certainly to assent to his arguments, but to listen most carefully to every word he utters. I reserve, of course, my right to reply afterwards to such objections as may be urged against the measure, unless, as is most probable, they are met by some of my noble Friends beside me; but in the meantime there are one or two arguments employed to which I shall take the liberty briefly to refer. The first of these is based on the great principle that it is wrong to diminish the property of the Church in any way whatever. I do not believe that this argument will be raised to-night. It appears to me impossible to urge it after the course that was taken on the Church Temporalities Act. Another argument was, that raised the other evening by the noble Earl opposite (Earl of Ellenborough) and by the noble Earl below the gangway (Earl of Wicklow), that we are transferring this amount to a fund which is not adequate to bear it. The noble Earl (the Earl of Ellenborough) has no objection to the principle of that transference, but I am afraid that if he waits till it is undeniably clear that the Ecclesiastical Commissioners have ample funds on hand to meet the transference, he will never arrive at such a result. It is only necessary to look at the report of the Commissioners themselves as to the mode in which they deal with the expenditure committed to their charge, and the common-sense view they take of their duties, to enable us to judge of the means which they have at their disposal under the Act. The Commissioners have a difficult part to play. Some of them are the most eminent men in Ireland, but some are *ex officio* Members resident in Dublin, and I appeal to your Lordships whether *ex officio* Members of a Board like this can really give to details of this sort any other than a general and superficial superintendence. One of the Commissioners is unfortunately dead; another is above eighty years of age, and a third was represented as unfit for work, because of the immense labours that had been thrown upon him. The Government immediately on becoming aware of these circumstances, proceeded to take steps to make up the deficiency that existed; but they were informed that this interference had become unnecessary, as the gentleman who was laid aside had recovered his health. The first thing the Commissioners appear to have done, under the Church Temporalities Act, was to issue a requisition to the incumbents of the different parishes, asking each of them to state the requirements of their particular parishes under the Act. Your Lordships all know how unsatisfactory any general inquiry of that sort must be. If any of your Lordships were to write to his cook, his coachman, and his bailiff, requiring a particular account from each of all that was necessary to be done in his particular department, you are perfectly aware how unsatisfactory the inquiry would be. It must have been still more in a case like the present, while the application of the relief afforded by the Commissioners could not fail to be a most difficult question. I find that the Commissioners erected fifty Protestant churches with sittings for 10,041 persons, in parishes containing a population of 264,673 souls, of whom only 14,323, of all ages, were in communion with the Established Church. I do not mean to say there was no reason for erecting a church in any one of those cases, for I admit it would be a melancholy thing to find 100, or fifty, or twenty Protestants in any part of the kingdom unable to obtain the religious comforts and instructions that they might require; but I say that if you go on on this scale it is impossible that any fund can be found of magnitude enough to meet such engagements. The noble Earl (the Earl of Ellenborough) said the other night that it was impossible to come to a conclusion on this matter without information as to the state of the funds of the Commissioners; and the noble Earl near me (the Earl of Wicklow) thought it necessary that Returns should be laid on your Lordships' table giving further information. Now, my Lords, I am quite willing to admit that, as the case stands, the expenditure of the Commissioners does not leave a balance. And here I would refer again to a declaration made by Lord Althorp, in which he says:—

> "The amount of church rates or cess does not, I believe, come to more than between £60,000 and £70,000 a year, and as far as I can calculate the means I have placed at the disposal of Parliament, they will amount to about £69,000 a year, and there is therefore some deficiency in the means to be provided in lieu of church rates. I am satisfied, however, that the expences to which that cess is applied might be diminished, and in that case the means in the hands of the House would be sufficient for the purposes intended."

Now, it is quite clear that, having saddled the Commission with the church rate, you have diminished the power of building churches to the extent of £60,000 or £70,000 a year, and it is also clear that if we take away £12,000 more from the fund for ministers' money, you will to that extent still more diminish the fund for building churches. It is, however, impossible to examine the Return without perceiving that savings of various kinds may be effected. I see with regard to clerks and sextons' salaries there is a sum of £23,000 charged, and it seems possible that a consolidation of those offices may lead to considerable economy. There are then sums paid for various services, and for the sacramental elements, in which savings may be effected. Supposing that reductions can be made in these expenses, I am sure every sincere and pious Christian will desire to see them made, in order that this apple of discord among the Irish people may be removed. I am not sure that there are not other points, even including the constitution of the Board itself, in which reduction may not be effected; but beyond that I find from the Commissioners' Returns that there will be a future increase in their revenues to the extent of at least £12,205 within the next few years. The annual payment to be made by any successor of the present Archbishop of Armagh (who, I hope, will long remain with us) is £4,500; taxes upon the see of Armagh, £2,343; taxes on dignities and benefices not avoided since the passing of the Temporalities Act, £4,000, and from the suspension of fourteen benefices, £1,360; making a total of £12,205. Therefore, my Lords, not denying that by passing this Bill you will for the moment, to a certain extent, diminish the income of the Church in Ireland, still I do believe that by proper economy it will be possible to replace the amount subtracted by this Bill, and that in future years an increased revenue will more than meet any deficiency which it may create.

My Lords, I have now stated some of the grounds why I think the objections which have been raised are invalid, and why Her Majesty's Government have felt bound to pursue the course they have. I may venture to put it to your Lordships whether, considering the question with regard to the practical result of your Lordships' vote, you will withhold your assent from this measure. If this House shall adopt the Bill, you will at once remove the only sore which now exists in Ireland, the only rankling ground of irritation against the Church establishment in that country. At the same time, you will be adding a charge, not of £12,000, because the Commissioners only receive £5,000, but of a lesser amount upon the Ecclesiastical Fund, which, however, may be more than met by a proper economy on the part of the Board. If, on the other hand, your Lordships should reject this Bill, you will be placing yourselves in collision with the other House of Parliament upon this point, which I cannot but think would be a course pregnant with evil, and injurious to the Church itself in Ireland. The great majority of your Lordships, I believe, are desirous of maintaining that Church, and I need not recite the reasons which appear to render the maintenance of that Church desirable. But there are those who oppose it, and one reason assigned by them, of the validity of which I give no opinion, but which is obviously a formidable one, is, that there is a large endowment for the religion of the minority, while the religion of the majority in Ireland is entirely disendowed. Some years ago there was strong feeling displayed in Ireland, and the Church in that country was placed in circumstances of considerable danger. I believe that feeling has entirely passed away, and I ask your Lordships whether it will be wise or statesmanlike that, for the sake of a paltry tax like this, we should risk the revival of that feeling of irritation throughout Ireland. Even under the present Act the Commissioners do not receive the money, although the Government has not hesitated to put the law in action; but the difficulties attending the enforcement of the law are immense. Not only are the proceedings expensive, but we are informed, upon the highest authority, that the machinery of the Act is inoperative; and if this Bill be rejected the Government will incur in future the odium of prosecuting corporations (many of which have no property) for a tax which the House of Commons, by a majority of 139, has declared to be an odious tax—one that ought to be entirely abolished. Leaving comfort out of the question, I ask will it be decent to place Her Majesty's Government in that position? No doubt, the noble Earl opposite will suggest a useful and practical alternative for this Bill, although at present I am entirely ignorant in what way it can be done; but I never was more sincere or more earnest than I am now in asking your Lordships to accede to the second reading of this Bill.

Moved, That the Bill be now read 2^a.

THE EARL OF DERBY: My Lords, I must confess it is not without some reluctance that I present myself to your Lordships to offer my most unhesitating, uncompromising opposition to the Bill, the second reading of which has just been moved by the noble Earl. I am ready to admit upon the low ground of expediency, upon which alone the noble Earl has relied, there are not wanting plausible arguments, of which I must do the noble Earl the justice to say he has made the most, in support of a measure which arises out of general and exceptional circumstances. I admit that the amount in question at present is very inconsiderable. I admit that in the localities where that tax is levied it has been the cause of considerable irritation and difficulty. I admit also that if this Bill do not pass, and the Act of 1854 were to be repealed, the clergy would experience great difficulty in levying this tax. But, my Lords, I am not without hope that I shall succeed in convincing your Lordships that, even upon the low ground of expediency, upon which my noble Friend defends this Bill, there are arguments which will afford a complete reply. But beyond that I shall base my opposition upon higher grounds than that of expediency—I shall rely upon principle, to which this Bill is diametrically opposed. If this Bill can be shown to be a violation of the most sacred rights of property—of property not only enjoyed for a long succession of years, but the right to which has been confirmed within the last three years by additional legislation — then I think it will be unworthy of this House to decide this matter upon such grounds as the noble Earl has suggested, and which, I may be permitted to say, without disrespect to the noble Earl, are unworthy of a Government which undertakes the responsibility of conducting the affairs of a great nation.

My noble Friend has told us truly that this ministers' money is a tax which was imposed upon certain descriptions of property as long ago as the reign of Charles

II. It was imposed upon certain towns in Ireland, and has continued from that time to be levied upon certain houses in those towns. It will, perhaps, be a proper moment for me to take an opportunity of replying to the challenge of the noble Earl to draw the distinction, which he says must be drawn to warrant opposition, between ministers' money and those charges which were dealt with by Earl Grey's Government in 1832 and 1833. I have the recollection of that period clearly in my mind; for in the responsible situation which I filled in that Government, the arrangement of Church affairs in Ireland cost me no little anxiety and uneasiness. But I am happy to believe that those measures, stringent as they were, and opposed as they were by the friends of the Established Church, by the adversaries of the Church, and also by some members of that Cabinet in which I held a seat, are now acknowledged to have rescused that Church from a position of great danger. I will just venture to bring before your Lordships the circumstances in which the Established Church in Ireland found itself in 1832 and 1833. At that time there was a violent crusade against the very existence of the Established Church, and in every possible way it was assaulted by a large and powerful political body, led and encouraged by the late Mr. O'Connell. That opposition was directed against tithes, against vestry cess, against ministers' money; in short, against every form in which pecuniary provision was made for the Protestant Church in Ireland. It is unnecessary to remind your Lordships of the very painful circumstances in which the clergy of that country were then placed. It is sufficient to say that tithes, which were not then commuted, had to be collected in kind from the very lowest classes of the population; for in consequence of the extraordinary subdivision of land, which prevailed then to a greater extent than at present, the clergy were obliged to collect their tithes directly from the occupiers. Of course, that was a state of things which gave great facilities for practical opposition, as well as great ground for complaint as to the policy of the existing system. The result was that nine-tenths of the clergy in Ireland were absolutely deprived of their incomes, or, if not deprived of them, they experienced the most violent opposition in collecting their tithes, not only from their own parishioners, but from large bodies of men who came from other districts to aid those who refused to pay. The opposition which was then offered to the levy of tithes was much more formidable than that which is now offered to the collection of ministers' money; yet according to the principle of the noble Earl, because it was extremely hazardous and expensive to collect the tithes, we ought to have given way to those who resisted the operation of the law, to have abolished the tithes altogether, and to have deprived the clergy of their revenues. The opposition which the Government of that day had to encounter was a thousandfold greater than any little paltry opposition which the Government of the present day have to meet in maintaining the law and discharging what I believe to be the duty of the Executive. But what was the course which we pursued at that time? We determined to give every support to the clergy. I do not mean to say that the police were employed in the collection of tithes, but both the police and the military were actively, diligently, and constantly employed in protecting the persons of those who, in the discharge of a lawful duty, exposed themselves to risk and danger. Nay, further, when the tithes, which were taken in kind, were seized and brought into the market no purchaser was found who would venture to come forward and buy, in consequence of the universal excitement and dissatisfaction which prevailed. What was done? The Government became purchasers of the tithes, and they supplied the military with forage from the hay and corn so forced into the market. They were purchasers whom no intimidation could deter, and thus the combination entered into to prevent the sale of those articles was counteracted, and great facilities were given for realizing the revenues of the clergy from such sources. But, undoubtedly, this was a state of things which it would have been unsafe, dangerous, and impossible long to continue. What, then, was the course which the Government took? They supported the claims of the clergy, and refused to yield to those who were depriving them of the means of living. In 1832 they took upon themselves the collection of the tithes upon a memorial from the clergy that they were unable to raise them. In that year a sum of £60,000, and in 1833 a sum of £1,000,000, were advanced to pay up the claims of the clergy upon the tithes of those years, which were collected by the Government themselves; but in the meantime the salient points of attack—the real objections to the operation of the law—were met by the measures which we adopted. Those measures consisted, first, in the compulsory commutation of the tithes for a fixed money-payment; and, secondly, in charging the landlord, instead of the tenant, with the burden of the tithes, prospective upon the falling in of each particular lease, and prospective in the case of a tenant-at-will upon the expiration of twelve or eighteen months. It was also provided that those landlords who chose voluntarily to anticipate the time when the burden would fall upon them would receive a reduction of charge to the amount of 25 per cent. The practical operation of those measures was this:—Foreseeing that the burden must in the course of a very short time fall upon them, the consequence of which would be that the feelings of the tenantry would cease to be excited, and the collection of the tithes would be easy, a certain proportion of the landowners came forward and voluntarily took the burden upon themselves, and, after considerable discussion, an arrangement was finally adopted by which the prospective change was made immediate, the whole burden being at once thrown upon the landlords, who received a reduction of 25 per cent. Such was the course which the Government pursued with respect to the tithes. They supported the claim, they maintained the principle, they defended the property, but they removed those portions of the law which rendered it open to serious objection, and liable to be easily opposed and successfully resisted. I beg pardon of your Lordships for occupying so much of your time in pointing out the difference in principle, unperceived by the noble Earl, between the course pursued by the Government of Earl Grey in dealing with the tithes and that suggested by the Bill before us.

EARL GRANVILLE: What I said was, that I could see no difference in principle between the present Bill and the measure proposed by the Government of Earl Grey relative to church cess. I said nothing about church rates.

THE EARL OF DERBY: I can assure the noble Earl that I shall not lose sight of that question. Well, my Lords, the next subject that had to be dealt with was the church cess. It amounted in all to about £60,000 a year, and its character may be briefly described. It was to be leviable by the vestries of the different parishes, according to their discretion; but there was this peculiarity connected with it, that if, as in England, all the parishioners in Ireland had been entitled to vote in vestry on the question of church cess, not a single farthing would have been received from one end of the country to the other. What, therefore, was the course pursued? Why, the Roman Catholics, the bulk of whom paid the church cess in every parish, the moment the ordinary parish business was transacted were compelled to leave the place where the vestry was sitting, and then the few Protestant parishioners who remained fixed the amount of the tax for the support of the Church. That was a state of things which necessarily produced great irritation, great dissatisfaction, great unwillingness on the part of the Roman Catholic population to pay the cess, and great unwillingness, let me add, on the part of the Protestants to impose such a burden upon those who had no voice in the matter. But in Ireland there was another irregularity which could not be found in England. The law of twentieths, which was equivalent in principle to tenths in England, had been abolished by an Act of Queen Anne; yet the first fruits of all benefices in Ireland, in lieu of being paid over, as in this country, to a Board of First Fruits, were used for defraying those charges which fell upon the vestry cess, which was, in point of fact, subsidiary to the amount of the first fruits. I should say, also, that while, on the one hand, the clergy of that time were deprived of most of the proceeds of their benefices, the churches, on the other, were universally falling into decay; the amount of repairs was utterly insufficient; and about half the benefices in Ireland were without glebe houses. A third of the parishes in Ireland—about 450—were below £200 per annum, and there was an urgent demand in the first place for the repair of churches; in the next, for the enlargement of existing and the building of new churches; in the third, for the erection of glebe-houses for the clergy; and, in the fourth, for raising the miserable deficient income to a certain decent provision for a clergyman and his family. The course which the Government took was utterly to abolish the vestry cess, amounting to £60,000, and to relieve the clergy altogether from the payment of first fruits, which were liable to the payment of the same charge; but in lieu of first fruits and vestry cess, a prospective charge was laid upon all benefices, varing from 5 to 15 per cent, gradually rising according to the value of the living, but not touching those below £200 a year. It was also provided that, as we have seen done with certain canonries in England, certain bishoprics in Ireland should be superseded, the number being too large, and that the funds arising from those sees should be devoted to the purposes I have already mentioned—a measure in no way inconsistent with the interests of the Church. A further provision was also made by which the tenants of Bishops' leases, upon consideration of the payment of a certain sum of money down, were enabled to convert the leases which they held for a number of years, with a power of renewal at certain fixed periods, into perpetual tenancies, paying the money which they had agreed to pay for the renewal of their leases, together with an additional sum in consideration of the advantages which they might be expected to derive from the permanency of their engagements. The whole of these sums together were estimated by the late Earl Grey, in his place in this House, to amount to somewhere about £150,000 a year, and the following was the statement which he made of the charges which were proposed by the Government to be defrayed by that amount:—Church cess, £60,000; augmentation of poor livings, £46,500; building and repairing churches, £20,000; glebe-houses, £10,000; making in all, £136,500. These were the measures which the Government of Lord Grey thought necessary to introduce for the purpose of saving the Church of Ireland from the imminent danger by which it was at that time threatened. They have, I am happy to say, been greatly successful, and have contributed — it will be a source of lasting satisfaction to me to think that I have been in the slightest degree instrumental in contributing—to the permanency and security of the Established Church in Ireland. My noble Friend asks me what is the distinction which I draw between church cess and ministers' money, and he rightly says that he concludes the subject was not omitted to be taken into consideration by Lord Grey's Government. My Lords, the difference between church cess and ministers' money was not only seen and admitted by Lord Grey's Government, but by every Government since Lord Grey's, and there has been no Government until the present which has conceded, without compensation, the abolition of this tax upon property. The distinction between church cess and ministers' money is broad and clear. Church cess was a voluntary assessment, uncertain in amount, dependent on the will of the vestry whether they would choose to levy it or not, and to what amount they would choose to levy it; it was levied exclusively by Protestants, while it fell mainly on Roman Catholics, and consequently excited great ill-will and ill-feeling. But ministers' money was a tax 200 years old, of a definite amount, fixed upon certain property, and just as much attaching to the individual house as any chief rent payable by any one of your Lordships, in respect of any house you may have bought. The property was purchased subject to a definite charge, and I say I partake in the indignation with which the noble and learned Lord the Chief Justice expressed his condemnation in this House, a few days ago, of that species of religious conscientiousness which objects to any pecuniary charge. Supposing I bought a house liable to the payment of £50 a year for the support of a Jewish synagogue, I should like to know what would be said of me if, from conscientious motives, I refused to pay money for such a purpose. I wise man would call me a fool, and an honest man would call me a rogue, and the law would say that, being liable, I must put my conscientious scruples in my pocket, and take my money out of my pocket, and pay the amount. And what is the fact in this case? This charge does not fall exclusively on Protestants or on Roman Catholics, but on the occupiers of certain houses, the owners of which have bought those houses subject to the tax, and therefore liable to pay it. I think I have sufficiently answered my noble Friend as to the distinction of principle between church cess, uncertain in amount and voluntary in assessment, and ministers' money, a fixed charge on property which the purchasers contracted to pay at the time of the purchase. I know my argument will be lightly esteemed by my noble Friend, and I will therefore quote authority not of a very remote date as to the religious objections to the payment of this tax. In 1854 it was said,—

> "This tax had nothing to do with any religious question. It was a tax upon property, and it would be perfectly preposterous to make the rate upon a house dependent upon the religion of its owner. The tax was one upon property, to which every man knew he was liable when he purchased

it, and had really nothing whatever to do with religious feeling."—[3 *Hansard*, cxxxi. 1378.]

That was the opinion in 1854 of a colleague of my noble Friend—a colleague then and a colleague now—the present First Lord of the Treasury. Nevertheless, my Lords, I am not prepared to deny that up to 1854 there were very plausible objections at all events to be raised to the incidence of this tax. The houses which were liable were so liable according to the original valuation of the time of Charles II. There had been great change in the value, and some houses which were valuable at that time had become quite valueless since. Furthermore, a large proportion was levied on proprietors of very small houses. And here I think my noble Friend hardly did the clergy justice when he said that, owing to the difficulty of collection, they abstained from collecting it; he might have given the clergy credit for some good feeling in refraining from collecting the tax from their poorer parishioners, and not put it merely on the ground of the difficulty and expense. There were three objections urged against the tax. The first was the religious objection. The religious objection, although put forward in the Committee of 1848, was, as I have shown, repudiated by the noble Lord at the head of the Government in 1854. The second was the inequality of the rate, owing to its being levied on an obsolete valuation. The third was the large proportion of the tax which, numerically speaking, fell upon the poorest class of houses. I am not now going to defend all the provisions of the Act of 1854, but I am about to draw the attention of your Lordships to what the Act of 1854 did towards the removal of those most serious and valid objections to the tax. The Act of 1854, in the first place, relieved from the payment of ministers' money all houses under the annual value of £10, analogous to the power of magistrates to relieve occupiers of very small houses from the payment of poor rates. The second Amendment of the law made by the Act of 1854 was providing that a new valuation should take place, and that the per centage chargeable should be levied afterwards, according to the assessment of the poor rate, and not according to the old valuation in the time of Charles II. What was the result of the alteration of the law? Whereas there were liable to the tax before 1854, 51,019 houses, there were exempted by operation of the Act, 30,873; and there remain liable 20,146; and of those 20,146 houses (I beg your Lordships to bear this in mind, as I shall have to advert to it hereafter) 15,517, or just three-fourths of the whole, are in the City of Dublin. In Cork, Waterford, Limerick, Drogheda, Clonmel, Kilkenny, and Kinsale there are only 4,629 houses liable to the payment of this tax. The nominal amount of the tax before the Act was something more than £15,000 a year, and by a provision in the Act, in consideration of the greater security in the receipt of their revenues, the clergy were to receive seventy-five per cent of the nominal income. The amount was to be paid by the Ecclesiastical Commissioners, and the Ecclesiastical Commissioners were to be repaid by the corporations of the different towns, upon whom, whether wisely or not, the Act of 1854 threw the liability of collecting the tax. But while the Act of 1854 removed the objectionable features of the tax it maintained the principle that the property was still to be liable, and that the clergy should still be entitled to receive the income out of that property. I find Sir John Young, who introduced the measure, speaking in the following terms. He was asked why for so long a period, from 1833 to 1854, no remedy had been applied to that which was confessedly a grievance in the collection of ministers' money, and he said—

> "The reason, he thought, why no remedy had been applied was this, that, although the amount was so small, amounting to no more than £15,000 a year, the principle of inviolability of property was involved, for it was impossible to take it away without violating property and spreading considerable alarm among persons attached to the Church. If this property were taken away it would be asked what would remain inviolable."—[3 *Hansard*, cxxxi. 563.]

My Lords, it is upon that principle that this tax is inviolable. In conformity with the principle adopted by all preceding Governments, the noble Earl who was at the head of the Government in 1854 (the Earl of Aberdeen)—to which most of the noble Lords opposite belonged—not only refused to do away with the liability of occupiers of property to pay charges to which they were justly liable, but he went a step beyond his predecessors, and confirmed by Parliamentary sanction the right of the clergy on the one hand, and the liability of the taxpayers on the other, and gave an additional legislative sanction to the tax by enacting new modes of collecting it. That was so recent as 1854; and yet in 1857 the members of the same Government which in 1854 made the arrangements for greater security come down upon grounds of expediency, and expediency alone—and expediency of the lowest description, namely a tame and passive submission to the successful opposition of those whose duty it was to levy the tax—and ask your Lordships to take away that property which in 1854 they themselves declared to be inviolable. My Lords, I say that for my own part I should be quite prepared to rest this case upon the ground of principle—upon the same ground which has been laid down by successive Governments, and upon which the members of the present Government abstained from abolishing it by an expedient so manifestly convenient as the course now proposed. I say, my Lords, I should be content to rest my opposition to this Bill upon the ground of principle, however plausible may be the expediency pleaded in its favour. But, my Lords, I am prepared to meet the noble Earl upon his own ground—to deal with him on the question of expediency and to demonstrate the insufficiency of the existing fund to meet the charge imposed upon it by this Bill. What is proposed is, that whereas the tax was charged previously by the Act of 1854 upon the funds of the Ecclesiastical Commissioners, and it was provided that they should be recompensed out of the funds of the corporations raised by levying this tax, by this Bill the funds in the hands of the Commissioners are to be made liable to pay the incomes of the clergy, and that towards these funds no contribution shall be made by the corporations. It is said to be expedient to alter the law, but my noble Friend has not stated the grounds on which he thinks it expedient to do so. I will take the question as to the sufficiency of the fund on which my noble Friend proposes to throw this additional charge of £12,000. I beg, however, in passing, not to be supposed to admit that, even if the fund were sufficient to meet the proposed charge, the principle on which the Bill is founded is such as to be deserving of your Lordships' sanction. I am prepared to show that the fund is not now and never can be adequate to meet all the legitimate purposes to which it is applicable. I have stated to your Lordships, and I may here be permitted to repeat, that the charges, as estimated by Earl Grey, were £60,000 a year for church cess, £46,500 a year for the augmentation of small livings, £20,000 a year for the building and repair of churches, and £10,000 a year for the building and repair of glebe-houses; making in the whole £136,500. To meet this charge Earl Grey supposed there would be £150,000 a year in the hands of the Commissioners; but instead of that the fund now at the disposal of the Commissioners amounts to no more than between £99,000 and £100,000 exclusive of any sum they may receive for ministers' money. The miscalculation would be extraordinary, but that the estimate was made previous to the Act by which twenty-five per cent was taken from the total amount of the incomes of the clergy (reduced from £600,000 to £430,000), forming the fund from which the greatest portion of the fund was to be derived; and subsequently another ten per cent was deducted, while the tax by which it was raised was not to be levied on incomes under £200 a year. That being the case, it is not strange that the fund estimated at £150,000 should have produced less than £100,000. And here I must notice an extraordinary misconception of the late Chief Secretary for Ireland (Mr. Horsman), in estimating the fund at the disposal of the Commissioners at £150,000, which I can only account for by supposing that he has included a sum of £60,000 paid to the Commissioners as the purchase of perpetuities. It is singular that the right hon. Gentleman should have fallen into the blunder of supposing that sum to be income instead of capital, which the Commissioners cannot touch. If, therefore, as I have stated, the income at the disposal of the Commissioners is under £100,000 a year, let me refer to the charges which are actually imposed, exclusive of ministers' money. The actual revenue, exclusive of ministers' money, amounts to £99,376, and the charges imposed by the Act upon that fund amount to £79,526, leaving, therefore, a surplus of £19,850. Let me remind your Lordships of the purposes to which, according to Earl Grey, the surplus was to be devoted, and which so long as they are unsupplied should prevent your placing any new charge upon the fund. For building new churches and chapels, for which the estimate was taken by Earl Grey at £20,000 a year, the sum put down for the present year is £9,464. Let me explain under what circumstances it is proposed to expend that sum. The Act provides that, in every case where new churches are to be built, one-fifth of the cost shall be derived from the inhabitants in the locality; but, owing to the inadequacy of the fund at the disposal of the Commissioners, they have been compelled to require, not one-fifth, but one-half, from the inhabitants of the locality. The Commissioners propose to apply £9,464 a year to the erection of new churches, and £3,636 a year to the enlargement of existing ones, making a total charge for new churches and the enlargement of existing churches of upwards of £13,000 out of the surplus at their disposal, estimated, as I have shown, at something less than £20,000 a year. But the Commissioners say—

"The expenditure on 'new churches and enlargements' must depend in each year on the funds available for such purposes, after provision shall have been made for necessary repairs. The sums now charged for those objects are the amounts expended on an average of the last three years to August, 1856; but these sums fall far short of what would be required were the Board enabled to provide for many urgent cases which have been repeatedly brought under their notice. And it is to be further observed that, from the apprehension that the source of revenue arising from ministers' money will be withdrawn, and which amounts to a sum nearly equal to the proposed expenditure under these heads, the Commissioners have, at a late special meeting of their Board, been most reluctantly obliged to suspend any further grants for such objects, although in two cases, greatly pressed on their attention, assistance from private subscriptions to the amount of nearly £2,000 will be most probably lost by delay."

So much for the building and enlargement of churches. With regard to the augmentation of small benefices which Earl Grey estimated at £46,500, the Commissioners have not been able during the whole period of their administration of the funds to apply more than £4,000 a year in the relief of ninety livings under £100 a year, and for glebe-houses nothing at all. There remain, then, to be supplied out of the fund in question, in order to meet the purposes contemplated by Earl Grey, the difference between £46,000 and £4000 for small livings, the difference between £20,000 and £9,000 for new churches and repairs, and the difference between £10,000 and *nil.* for glebes, &c.; that is, altogether not less than about £63,000 a year remain to be supplied out of the fund. And now, that being the state of the fund, I am gravely told that upon the ground of expediency it is desirable to throw this additional charge upon it, and that in the opinion of the Government the fund is well able to bear it. My Lords, I appeal to the highest authority in Ireland —the Lord Chancellor, Maziere Brady, who certainly has no peculiar leaning towards the Protestant Church, nor any anxiety to represent its claims in too favourable a light. I hold in my hand the last Report of the Ecclesiastical Commissioners for Ireland, dated August, 1856, which is signed by the Archbishop of Armagh and the Archbishop of Dublin, and between the names of those most rev. Prelates is the signature of "Maziere Brady," Lord Chancellor of Ireland, attesting the accuracy of the statement contained in the Report. Now, what does the Report say? In a case of this kind, where the argument of the Government turns altogether upon the sufficiency of the funds, your Lordships will permit me to read the evidence given by the Lord Chancellor of Ireland:—

"The difficulties (he says) with which they (the Commissioners) have had to contend in this respect, and the dissatisfaction occasioned by their refusing to comply with many reasonable demands, are likely to be much increased during the ensuing year, owing to a considerable defalcation in their funds from the non-receipt of a large portion of the moneys which, pursuant to the provisions of the Act of the 17 *Vict.*, cap. 11, should have been levied by the collector-general of rates in the city of Dublin, and the respective Boards of Guardians and other bodies, for the payment of ministers' money, the amount received by the Commissioners from the Paymaster of Civil Services being but £4,939 10*s.* 1*d.*, while the payments made by them to the clergy entitled to ministers' money have amounted this year to £12,369 17*s.* 9*d.*, making the total sum paid on this account since the passing of the Act in 1854, £21,300 7*s.*; and we have to inform your Excellency that, having regard to the objects to which the funds vested in the Board by the Church Temporalities Act had been dedicated prior to the Act which imposed on the Board the payment of ministers' money, and also to the insufficiency of the funds at their disposal to provide adequately for those objects, the Commissioners felt it necessary in the month of March last to call the attention of the Government, for the second time, to the large advances which had been made by them for payments on this account, and to the small proportion which had been lodged to their credit by the Paymaster of Civil Services; but we regret to state that, notwithstanding the directions then given by your Excellency for the recovery of these moneys, a very small amount has been since received. Under these circumstances we would take this opportunity of observing to your Excellency that the Commissioners cannot continue to make similar advances without serious detriment to the numerous objects for which they have to provide."

There, my Lords, is the evidence of the Lord Chancellor of Ireland, whose appointment was confirmed by the present Government; yet in the face of this evidence, showing that the funds of the Commissioners are insufficient, and representing the impossibility of their continuing to make advances without serious detriment to the object to which those funds were primarily devoted, the Government state to your Lordships that, in their judgment, the funds are amply sufficient, and that they may fairly be charged with an additional payment of £12,000 a year, to increase the deficiency pointed out by the Lord Chancellor.

So much for the question of expediency with regard to the sufficiency of the fund to meet the demands upon it; but I now come to the expediency of the pretences on which Her Majesty's Government rest the abandonment of the principle upon which, in 1854, they thought it right to insist. My Lords, I will venture to say, that whatever temporary advantage they may gain from the course they propose, is, in point of expediency, infinitely counterbalanced by the inexpediency of teaching the people of Ireland that passive resistance to a legal charge is sure to secure the sanction and support of the Government, and that if they resist, or refuse to obey the law, the law will be altered. I have already stated that four-fifths of the houses liable to this tax are situate in the city of Dublin. The total sum raised is about £12,000, of which £8,490 is chargeable upon Dublin, £2,270 upon Cork, and an amount of £1,416 is divided among six other towns. It is, however, in consequence of the resistance of Cork and the other six towns liable to this impost, which pay about £3,000 out of the £12,000, that the Government propose to abolish the tax. The noble Earl admits that, in Dublin, circumstances rendered the collection of the tax less difficult, and passing over a city which pays £8,400 of the whole tax, he grounds the expediency of the Bill on the resistance of the towns which pay only £3,600 of it. My Lords, I regard this Bill as a confession, on the part of the Government, of their inability to maintain the law. I cannot conceive anything more damaging or injurious to the character of the present, and of all Governments, than the measure now under consideration. I venture to say that the Government have abundant means of enforcing the law. Why, with regard to nearly three-fourths of the tax, there is no resistance on the part of the persons upon whom it is charged, but the opposition proceeds from certain corporate bodies upon whom the duty of collecting the rate is imposed. They tell the Irish Government that they will not obey the law, and they are at once authorized by the Lord Lieutenant of Ireland to suspend the collection of the tax. Was such a thing ever before known as a public body informing the Lord Lieutenant that it was their deliberate intention not to obey the law, and requiring him, on that ground, to obtain an alteration of the law in accordance with their views? If ever such a suggestion was made, can an instance be adduced when a Government did not reject the proposal with indignation, but, on the contrary, tamely yielded to the request, and themselves brought forward a measure for carrying it into effect? Don't tell me that the Government have no power to enforce the tax. The existing law provides that, in default of payment half-yearly, the amount shall be recoverable as a debt due to the Crown from the city of Dublin, or any other city or borough in which default may occur, and that the Lord Lieutenant of Ireland may order all sums due to the Crown to be recovered and paid to the Ecclesiastical Commissioners. Am I to be told that, with the powers of recovering the tax as a Crown debt, the law or the Government are so impotent in Ireland, that £12,000 cannot be collected in these eight cities? In Dublin, however, which contributes three-fourths of the tax, no difficulty was made, either by the payers or the collectors; and I will venture to say that, if the Government had not themselves encouraged the suspension of the collection, by far the larger portion of the sum now due in Dublin would have been paid without hesitation. The Act of 1854 enabled owners of property to commute these annual payments upon very easy terms—fourteen years' purchase; but the Commissioners state in their last Report that only one proposal for commutation had been made in Dublin. I do not wonder at that; for, if the Government sanction the non-payment of the tax, it is clear that no man will purchase an exemption which he can obtain for nothing. The effect of the abolition of the tax will be to increase the value of the property liable to it in the city of Dublin alone to the amount of £8,000 a year. The owners of that property will be the persons chiefly benefited, because no house under £10 a year is at present chargeable with the tax, and among them is a right hon. Friend of mine (Mr. Sidney Herbert), who owns a considerable portion of Dublin, and I believe is the last man who would desire to derive any personal advantage at the expense of the property of the Church. There are many others also, who, like my right hon. Friend, would not, I am convinced, desire to derive advantage from a law which is founded, not upon justice, but upon injustice. My Lords, I oppose this Bill upon the ground of principle, inasmuch as it takes away from the Church property which belongs to that institution by a sacred right, and abolishes the tax for the benefit of the owners of property, in the collection of which there is now no abuse, no hardship, no real grievance. I have proved to your Lordships, upon the evidence of the Lord Chancellor of Ireland, that the funds of the Ecclesiastical Commissioners, so far from being able at the present moment to bear an additional charge, are wholly inadequate to the charges imposed upon them by Parliament, and that the most laudable objects must be given up if the Bill passes; and, lastly, I have presented to your Lordships this consideration—that nothing can be more dangerous than that a Government should yield to the mere clamour of one or two corporations, in a case where there is no proved necessity for an alteration of the law, when the Government have all the authority of law, having already obtained judgment for the Crown in the Court of Exchequer, and where, therefore, the law cannot be doubtful. The noble Earl rested the Bill mainly on the difficulty of enforcing the collection of the tax—and upon such grounds I cannot consent to alter a law which the Legislature, under the sanction of a Government many of the Members of which sit opposite, deliberately enacted so late as 1854. My Lords, upon all these grounds of principle and expediency, I feel it my bounden duty to give my voice against this Bill, and to move that it be read a second time this day six months. Allow me, my Lords, to add that the position of the individual clergymen will be precisely the same whether this Bill be passed or not. They will receive their incomes, but they will receive them from the Ecclesiastical Commissioners at the expense of other great objects, which were the primary objects of the Act of 1834, and which must be abandoned if you consent to deprive the Commissioners of the funds which it is proposed to take from them by this Bill.

Amendment *moved* to leave out "now," and insert "this day six months."

THE EARL OF HARROWBY said, that his noble Friend opposite had shown much reluctance to grapple with the question as to what distinction there was between the case of church cess and that of ministers' money. The only distinction that his noble Friend could show was that in the case of church cess the rate was variable, while in that of ministers' money its amount was fixed and certain. How this small distinction could make any difference in the principle, or how it was to support the whole weight of the argument which his noble Friend had raised upon it, he (the Earl of Harrowby) was unable to conceive. At any rate, this argument was favourable to the abolition of church rates in England, because they were not a fixed charge upon property, and therefore, according to his noble Friend, might properly be dealt with. By the adoption of this line of argument it appeared to him that his noble Friend had thrown the Church of England overboard. He was prepared entirely to abandon that argument in favour of the maintenance of church rates which rested upon the fact that everybody had taken, inherited, or bought property subject to them, because these rates were not fixed in their amount. If there was any value in the distinction, he (the Earl of Harrowby) congratulated those who wished to abolish church rates that they had in the person of his noble Friend found the most important ally who had yet joined them. The real and only distinction between church cess and ministers' money appeared to him (the Earl of Harrowby) to be this—that whereas the burden upon property to maintain the churches was an aboriginal one, of which we could not find the date, and which had grown up with the growth of the constitution and of all our social habits, ministers' money was a burden, the date of which was known, and was not a very ancient one. In the reign of Charles II. the Parliament of Ireland thought it desirable to maintain the ministers in certain towns by a particular charge on property; in 1857 the Parliament of Great Britain and Ireland thought it better to maintain them in a different manner. That was the amount of the difference, and he appealed to their Lordships whether it was not much in favour of church cess as compared with ministers' money. Then, with regard to the principle of this impost. If that principle were so important, so sacred, and so inviolable, how was it that his noble Friend opposite consented without a murmur to the Act of 1854, by which, according to his own account, 30,000 ratepayers out of 50,000 were relieved from this charge. If it was merely a burden on property it ought not to have been touched. If this measure was a violation of principle, so also was the Act of 1854, and in that violation his noble Friend concurred.

THE EARL OF DERBY: I beg that my noble Friend will not father on me every act of the late Government which I did not oppose.

THE EARL OF HARROWBY never said that his noble Friend passed that measure; he only said that his noble Friend was a constant attendant in the House, and the leader of a great party; and therefore he was justified, seeing that the noble Earl acquiesced in passing the measure that he agreed with its principle, and in saying that if it involved a violation of principle he neglected his duty in not resisting it. He did not understand how his noble Friend could exempt himself from responsibility. If he were an ordinary Member of the House, who sauntered down on great occasions, he should be unwilling to saddle him with responsibility, but being a leader in that House of a great party, which took particular interest in all questions which concerned the Church, more especially the Church of Ireland, he was not entitled to disclaim connexion with any measure affecting the interests or the property of that Church against which he had not remonstrated. He asserted that his noble Friend did acquiesce in the Bill of 1854, and that by agreeing to that he acquiesced to the full extent in the principle which the Government was now asking their Lordships to carry a little further. Why did his noble Friend acquiesce in that principle? Because of the exceeding inconvenience of the then state of things. The Government now asked their Lordships to carry the principle still further for a similar reason, because of the great inconvenience of the state of things which now existed. [" Oh, oh!"] It was easy to meet the arguments of a speaker by hooting — a practice which belonged rather to a more tumultuous assembly than to their Lordships' House — but he hoped that this would meet with some more intelligible response. The inconvenience of the present state of things was not to be trifled with. No one knew better than his noble Friend the danger of provoking political or religious hostility in Ireland, for he had himself on different occasions on which his reason was not convinced been obliged to yield in deference to the political inconvenience of carrying a logical conclusion to its extreme results. The inconvenience of the present state of things was that you had to compel Roman Catholic corporations to levy an impost, hated on religious grounds, upon several of the most populous Roman Catholic towns of Ireland. All the materials for legislation on this subject were ready in Ireland, and if you employed the machinery of the law for the purpose of enforcing this impost, you would run the risk of raising an agitation from which the most dangerous consequences might result. Would it be wise, then, to compel the Government to go on forcing the corporations to levy this impost, at the risk of exciting the religious animosity and discontent at the absence of which we had now so much reason to rejoice? Yet such would be the result of the rejection of this measure. He thought he had shown the necessity for a change, and the only question was what alteration should be adopted. He did not see so much difficulty as other noble Lords pretended to see in dealing with this question; and if he could see any practical proposal other than that which had been made by the Government, he would willingly accept it. It was with great pain that he consented to impose an additional burden on a fund which was not adequate for all its religious intentions, and to interpose between the full developement of all the beneficial objects which Parliament had contemplated; but the question was whether an impost so grievous to the consciences of Roman Catholics should be continued. All the most important objects, however, of the Act, as regarded the existing churches, had been obtained, and although he should rejoice as much as any one to see the Church of Ireland expand itself all over the face of the country, yet to interfere with the means of its future expansion was a very different thing from diverting the provision for its present requirements. Had the Government of

Lord Grey, at the time of the passing of the Church Temporalities Act, included the extinction of this tax among the purposes to which the funds of the Commissioners should be liable, nobody would have complained, and they would have got rid of a source of difficulty and danger, as well to those who were interested in this change as to the community at large. There was no fund of this sort in England, and yet the Established Church in this country was not found to suffer for want of it. The proposal of the Government was a perfectly fair one, and it might have been inserted by the noble Earl opposite in the Act of 1833, with the utmost propriety. If their Lordships should refuse to deal with the question now, they would leave open a dangerous sore, which might spread to any extent. The measure of the Government was supported by a large majority of the other House, and unless some other better mode of remedying the difficulty could be suggested he hoped their Lordships would adopt it, and not run the risk which might arise from having to compel Roman Catholic corporations to make themselves the instrument of collecting a tax so odious to their fellow-citizens.

THE BISHOP OF KILMORE thought that this Bill was calculated to do the greatest injury to the Irish branch of the Established Church. This, he believed, was the opinion of all the clergymen of the Irish Church, with rare exceptions, if any exception at all. The Bill proposed to take a sum of £11,545 from the revenues of the Established Church without any equivalent whatever, and to hand it over to those householders on whose property it had been a legal charge for more than 200 years. The principle involved in the Bill was of the most dangerous character, for if it were sanctioned in this instance there was no reason why it should not at once be extended to tithe rent-charges, and, in fact, to all the property of the Established Church. Expediency was the only argument urged in favour of the Bill, and expediency would equally justify the alienation of the remainder of the revenues of the Church. This question of ministers' money had been thoroughly sifted by a Committee of the other House in 1848, and three years ago there was an Act passed which was understood in Ireland to be a final compromise of the whole question. That Act removed every fair and legitimate objection which was taken by the Committee to ministers' money, with the exception of one which the Committee called "a paramount objection"—the religious complexion of the tax. The inequalities of the valuations, the collection by the clergy, and the extent to which the tax pressed on the poorer classes, were all remedied by the Act of 1853; but with the religious part of the question the Legislation did not meddle. Now, because the public bodies, consisting for the most part of Roman Catholics, to whom the collection of this tax was handed over by the Act of 1853, had refused to collect it, the Government, instead of making the obedience of the people conform to the law, proposed to make the law conform to the disobedience of the people. This Bill went a great deal further than the "paramount objection" of the Committee of the House of Commons; for, instead of merely relieving those who had religious objections to the tax, it exempted persons also who had never expressed any wish to be exempted. Notwithstanding the doubt expressed by the noble Earl below, he was still of opinion that this was a tax which had been imposed by a Protestant king on Protestant property for the support of a Protestant Church. The measure proposed in this Bill was condemned by a Committee, of which Mr. Shiel was chairman. It was proposed in that Committee, by Mr. Reynolds, that a Bill should be introduced to abolish ministers' money and charge it on the fund of the Commissioners. The Committee were equally divided on the question, and Mr. Sheil, the chairman, gave his casting vote against the Motion. The Committee having rejected Mr. Reynolds' proposal, brought forward one of their own, and, oddly enough, they arrived at the conclusion that the revenue of the Commissioners was adequate to their annual expenditure. That was a great mistake. Last year the expenditure of the Commissioners was £92,000. Mr. Quin put down the revenue, supposing all the money was collected, at £83,000, but, in reality, the money collected was only £71,000 to meet an expenditure of £92,000. Well, this very hostile Committee recommended—what?—that any surplus that remained in the hands of the Ecclesiastical Commissioners, after expending what was absolutely necessary, should be applied to the extinguishment of the ministers' money. But there never had been, and never could be, any surplus, considering the many solemn trusts they had to perform. If the present Bill passed, no money would be left for building and enlarging churches. At this moment there were sixty-five applications for rebuilding parish churches. There had been subscribed privately £14,000 for that purpose, provided assistance could be got from the Commissioners, and if this Bill passed none of those churches would ever be built. It was said Protestants should themselves subscribe for the rebuilding of their churches. Now, a sum of £68,000 had been raised by the Protestants of Ireland for that purpose, and that sum had passed through the hands of the Commissioners. In addition to this he could state the case of two dioceses, in which £40,000 had been raised that never came into the hands of the Commissioners, but had been applied directly to church building by individuals. One great reason why there could not be a surplus in the hands of the Commissioners was the increasing expenses consequent on the higher price of material for building and the higher wages paid for labour in Ireland. Notwithstanding all this the demands of the Church were increasing. The Church was extending itself in every direction in Ireland, and he could say from experience that wherever a church was built it was immediately filled by an attentive and pious congregation, and he had received a communication from the Bishop of Derry stating, that in consequence of the want of accommodation in his diocese the Protestant population were driven to the Presbyterian chapels. The noble Earl (Earl Granville) spoke of 10,000 sittings having been provided for a small number of Protestant inhabitants; but, surely if there were fifty Protestants in one parish and fifty in another, these were not to be deprived of the opportunity of worshipping God according to the dictates of their conscience; and there was no reason why the Protestant population should not increase in those places. Protestant congregations had started up in the most unexpected places in Ireland, even in the wilds of Connemara, where formerly hardly a Protestant was to be found. To show how Protestant congregations increased, he would instance the case of Cavan. In that town there was formerly a miserable church, capable of holding 200 people, and the attendance was very bad. In 1816 a new church was built to hold 500 or 600; three years ago it was enlarged so as to hold 1,000, and it was now crowded every Sunday. Whatever the cause, certain it was that what had been a forest was becoming a fruitful field; the congregations of the Established Church in Ireland were increasing every day, and although the Commissioners might expect soon an increase in their funds of some £8,000 a year, yet that amount would be insufficient to meet the growing necessities of the Church. The Bill would therefore operate to cripple the means of the Established Church in Ireland, to injure her usefulness, and to deprive Protestants of the only fund from which places of worship could be built. He opposed the Bill because it was a contravention of the Church Temporalities Act, and which might now be regarded as the great charter of the Established Church in Ireland. He opposed it on the ground, that whereas Parliament had abolished the church cess in Ireland, in 1833, and had formed out of the possessions of the Church an equivalent for that cess, the measure then under their consideration would come upon that equivalent itself, and would seize upon one-tenth part of its amount. He opposed it because he believed that instead of producing peace and goodwill among the adherents of different creeds in Ireland, it would be regarded by one party as a triumph, and by the other as a grievous wrong—feelings which were not likely to conduce to more friendly sentiments. He opposed the Bill, also, because the funds it would alienate from the Established Church, although it would nominally be made good out of the funds in the hands of the Ecclesiastical Commissioners, must be taken from the stipends of clergymen holding wretched benefices of the value of less than £100 a year. The measure would prevent, and prevent for ever, any hope of increase in the miserable receipts of the poorer class of the clergy in Ireland. There were at present in that country not less than 302 benefices which were under the value of £100 a year, and which it would require a sum of £7,800 to bring up to that amount, while it would require £49,000 to bring them up to a sum of £200 a year, which, according to the Church Temporalities Act, was the standard it was desirable to attain. He most earnestly hoped their Lordships would pause before they passed a measure which would condemn many hard working and pious clergymen in Ireland, some of whom, too, had large families, to hopeless and irremediable poverty, and before they inflicted a severe, if not an irrecoverable blow on the Irish branch of the Established Church.

The Earl of CORK said, that from his connection with a city which had been foremost in objecting to the tax of ministers' money, he felt called upon to make a few observations upon the Bill before the House. He thought that even were the difficulties that would ensue from the abolition of the tax more considerable than had been alleged, or was even the injury likely to be inflicted upon the Established Church still greater than he ventured to believe would be the case, it would still be only right to make every attempt to repeal a tax which stood in the singular position of being odious alike to the receivers and to the payers—deprecated by Protestants and denounced by Roman Catholics, and which had been solemnly denounced by one of the Prelates of the Established Church in Ireland, as a festering sore in the bosom of that Church. The tax itself was objectionable, but even in its imposition it was unjust and irregular, the burden of it not being borne by the respective towns which paid it in due proportion to their respective means. From a Return laid before the House in 1855 he found that the amount raised in Limerick only exceeded by £3 the amount paid by Kilkenny, although the former city was twice as large and twice as wealthy as the latter. One of the pretended features of the Act of 1854 was the exemption from the tax of all houses of less rental than £10, but, in fact, those houses had been previously practically exempted from the tax. The attempt to make the corporations of the various towns collectors of the tax had been utterly unsuccessful, as might have been expected. It was natural that in towns where Roman Catholics predominated greatly in number over Protestants the corporations elected by the inhabitants would be chiefly adherents of the former religion, and equally natural was it that corporations thus constituted should decline to be the collectors of a tax which they regarded as odious and oppressive. The corporation of the city of Cork had so refused, and the Government had proceeded against them. The Irish Court had pronounced against the corporation, who, however, had given notice of appeal to that House, and the question still remained pending—an irritating source of disagreement. Regarding the tax in its less obnoxious light of an impost upon property, he could state that it had been unfairly charged upon property which was not liable to it. He knew a case in which a parish in the suburbs of Cork, which had never possessed a church since the reign of Edward IV., was annexed to the adjoining parish in the city of Cork in 1824, and immediately rendered liable to the church cess. When that cess was abolished, the rector, in 1838, procured a valuation to be made of the parish which had been added in 1824, and upon that valuation made a demand for ministers' money. At present a large portion of the houses which were chargeable with the tax were not situate within the boundaries of the city, and therefore, according to the terms of the Act of Charles II., were not liable to the impost. Such were the principal objections to the tax. Some of them were comparatively insignificant; but he begged their Lordships to remember that a very wide principle was involved. He did not concur in the statement which had been made, that the funds in the hands of the Ecclesiastical Commissioners were insufficient to sustain this additional burden; but even if they were, he thought that with judicious management a balance might be created large enough to do so, and certain he was that any money so applied by the Commissioners would not be diverted from its original purpose. He believed that the proposed change, so far from weakening, would strengthen the position of the Established Church. He believed, on the contrary, that by satisfying the requirements of justice it would draw closer the bonds of union between the Protestants and Roman Catholics, and remove many of those petty jealousies which the maintenance of the present charge contributed so strongly to develope. He trusted, therefore, that their Lordships would not, by rejecting the Bill, be the means of continuing a system which must always create a great amount of bitterness and ill-feeling in Ireland.

Viscount DUNGANNON said, he believed that the principle involved in that Bill must vitally affect the interests of the Established Church in Ireland. He felt persuaded that an act of grosser injustice—a more flagrant act of spoliation under the plea of expediency—had never been introduced into either House of Parliament. It would prevent the Ecclesiastical Commissioners from expending their funds in aid of the objects which they were appointed to promote—and, what was far more objectionable than all the rest—would deprive the clergy of many of the rights which they thought had been secured to them by the Act of 1854. He had heard no answer whatever to the arguments put forward in the masterly speech of the noble Earl who had moved the rejection of the Bill. The property on which that tax was levied had been purchased with a knowledge that it was liable to the charge, and the purchasers had no right at present to come forward and claim an exemption, on the ground of a religious scruple, from a burden they had knowingly incurred, and for which a due allowance had no doubt been made to them at the period of entering into their bargain. He was at a loss to understand how it could be supposed that a measure of that description, which would inflict on the members of one religious persuasion a great and manifest injury, could tend to promote political and religious harmony. The truth was, the Bill was part and parcel of a system of injustice which had for many years been practised by the executive in Ireland against the Protestants of that country, and more especially against the members of the Established Church. He felt convinced that if the Bill should be passed into law a precedent would be established which would shake to its foundation the security of property of every description.

THE EARL OF WICKLOW opposed the Bill. He would congratulate the noble Earl the President of the Council, that this Bill had not originated with the Government. It had been introduced by a Member of one of the corporations against whom proceedings had been instituted, and if it passed no one would be more surprised at its success than that hon. Gentleman. It was opposed to the principle of the last Bill introduced by the Government. It had, it was true, passed the other House by a large majority, but that vote was influenced by a statement, made wholly without foundation, that the revenues of the Ecclesiastical Commission were equal to this additional burden. As soon as that statement was published the Commissioners communicated with the Lord Lieutenant, and showed that the Attorney General for Ireland in his statement had included in their income the amount of voluntary subscriptions they received; and they had petitioned their Lordships not to pass this Bill without referring to them for information as to the amount of their resources. He believed that two-thirds of their charge were paid freely and willingly, and he could not but believe, that if proper measures were taken the whole tax could be enforced; at all events they ought not to legislate in this way, because a certain small number of persons refused to pay a tax to which they were legally liable.

THE EARL OF DONOUGHMORE said, he thought it must be admitted that the whole course of the discussion that evening was in favour of the rejection of the measure. That was a tax leviable by statute upon property, and if this Bill passed there could be no security against a proposition to abolish the tithe-rent charge or any other charge to which property was liable, for they all rested on the same principle. He had been astonished to hear it contended that the principle of the Act of 1854 was identical with that of the present Bill. Why the Act of 1854 went upon the same principle as the Tithe-rent Charge Act of 1833; and while it removed all the reasonable objections to which the tax was then open—as, for example, the objection founded upon the excessive taxation of a very poor class, and that the tax was levied in a very unequal manner—it left the principle of the tax untouched. Certainly the Bill did not meet the objection entertained by certain Roman Catholic Members—namely, that Roman Catholics ought not to be called upon to pay for the support of a Protestant Establishment. But then if that doctrine were accepted, why ought a Roman Catholic landlord to be called upon to pay the rent charge. No; let them once give up the principle upon which the tax of ministers' money depended, and they gave up the principle upon which a Church Establishment was maintainable. Reference had been made by the right rev. Prelate (the Bishop of Kilmore) to the Committee of 1848. Now, this much he would say of that Committee, that its report could not be said fairly to represent the evidence taken before the Committee, for of the majority of seven that signed it six were Roman Catholic gentlemen from Ireland. Having gone through the whole of the Reports of the Commissioners, he might also say that nothing could be more apparent than that the revenues of the Commission were insufficient for carrying out some of the principal objects for which the Commission was established. Commencing with the year 1842, and ending with the year 1849, he might show that in each succeeding year the language of the Commissioners was the same, always complaining of the inadequacy of their revenue for the building and repairing of churches. All that the Commissioners were able to expend upon the augmentation of small livings, one of their first objects, was £2,600 a year. There were 302 benefices in Ireland under £100 a year, and it would require £7,800 a year to augment them to that amount. There were 629 under £200 a year, and it would take a sum of £48,000 a year to raise them to that amount. Now, considering what were the wants of clergymen — considering that they were generally of good family—considering, too, the peculiar position of the Irish clergy, he did not hesitate to say, in the face of such a state of things, that their Lordships would be guilty of a breach of trust if they applied the funds of the Commissioners to purposes never contemplated by the Act of Parliament. The noble Earl had spoken of the great expediency of putting an end to agitation in Ireland. Now he would ask their Lordships to compare the position of his noble Friend (the Earl of Derby), when in 1833 he brought forward his great measure of Church reform in Ireland, with the position of the noble Earl opposite (Earl Granville) that evening. In 1833 there was an agitation in Ireland—a dangerous agitation, but it was met by a large, ample, and well-considered measure; the revenues of the Church were preserved, and the principles on which the Establishment was founded were maintained. Well, but what was the agitation of these days? Why, it was an agitation proceeding just from seven towns, and the whole amount involved was £4,000 a year—the remainder being paid by the City of Dublin willingly and cheerfully. And had any one liable for the tax refused to pay it? Oh, no; but the parties appointed for the purpose by the Act of Parliament had refused to collect it. And who were these? Why the corporate authorities of the several towns, many of whom were elected under the direct influence and control of the Roman Catholic priesthood, and under that influence they refused to collect the tax. It was only right that plain language should be used upon such an occasion. These corporations had the impudence to go before the Lord Lieutenant, and declare that they would not collect the tax. And what, under such circumstances, ought to have been the conduct of the Lord Lieutenant, anxious to uphold the cause of law? Why, he should have said that, "for his part, his duty was plain, and that the law should be enforced." But, unfortunately, the representative of Her Majesty did not deal thus with the corporations; but he told them he thought they were altogether in the right. So that, because some seven towns refused to collect some £4,000 a year, their Lordships were called upon to confiscate Church property to the extent of £12,000 a year. The proper course would have been to say, "We will first make you obey the law, and then we will ascertain whether you have any real grievance." He admitted that the time was when the Government of this country had reason to dread agitation in Ireland, but then indeed the agitation was led by one of the ablest men that any country had ever produced. Now, however, Her Majesty's Government had no such determined opposition to encounter, and all he could say, therefore, was, that their policy must be dictated by a miserable expediency.

LORD TALBOT DE MALAHIDE said, he would at once admit that if he could bring himself to believe that the two noble Earls opposite were correct in their opinions that the existing law was sufficiently stringent to secure the collection of ministers' money in Ireland, he would feel considerable hesitation in voting for the Bill. But he considered that the great difficulty with regard to this question had been occasioned by the Act generally known as Sir John Young's Act, which established a much more cumbrous machinery than that which previously existed for the collection of the tax. He did not see the force of the distinction which had been drawn between the foundations on which church cess and ministers' money rested. No doubt there was a difference, but he thought that a prescriptive title was quite as good as any right derived from a statute. The evidence taken before the Committee in 1848 showed that before the passing of the Act of 1854 the collection of this tax was impracticable, and that any such arrangement as the tithe commutation was impossible. If their Lordships had any doubt on the point, he could very soon satisfy them that that was the universal feeling of the Protestant clergy. He held in his hand a letter, written by the late Dean of Limerick, now Bishop of Derry, who said that from observation and inquiry he had arrived at the conviction that to transfer the liability to this tax from the tenant to the landlord would be attended with no beneficial result, for that "the fretting sore" would still continue, and be attended with the same inconveniences, and that the only effectual plan would be to place the burden where it ought to have been placed in 1834—on the funds of the Ecclesiastical Commission. Nothing could be stronger than this, nor was there in it anything inconsistent with the desire which must be felt by any zealous clergyman for the erection of fresh churches. For his own part, he deeply regretted that there was not a large fund applicable to the erection and repairing of churches, but he did not think that the Ecclesiastical Commissioners were a proper body to administer such a fund. From their Reports, it appeared that they had made numerous grants for the building of churches in wild outlying districts, towards which no local contributions had been raised; and, to his own knowledge, much of the money which they had spent in rebuilding churches had been worse than wasted. In one instance they had dismantled a venerable pile, filled with most interesting monuments, when the congregation could have been better accommodated by building a small church at a few miles' distance. He believed that in Ireland, as well as in England, too little reliance had been placed upon voluntary contributions, and that their natural enthusiasm had carried the people of Ireland too far in favour of church extension, leading many of them to think that if they built churches in the wilderness they would immediately obtain congregations. Such acts had been productive, not only of great waste of money, but also of deplorable political evils. Considering the present prosperous condition of Ireland, he hoped their Lordships would not, for the sake of a few paltry pounds, run the risk of continuing religious agitation in Ireland, which must have the most deplorable effects.

The Earl of ELLENBOROUGH: It appears to me, my Lords, that this question is surrounded with great difficulties. Whether you read this Bill a second time or not, hardly any one of us, I think, on either side of the House, who looks fairly at the whole merits of the question can be perfectly satisfied with the position in which the matter will stand. It is now nearly twenty years ago since I became acquainted with some of the circumstances connected with this tax, and from that time to the present I have always entertained the opinion that it would be most desirable to get rid of it. It is an offensive grievance. It is the last remnant of the old mode of maintaining the Church in Ireland, and it would be most desirable that it should altogether disappear. What are we to do if this Bill is thrown out? It is to be regretted that such great difficulties have been experienced in the collection of the tax, that the clergy have never realized all that was due to them; and it is still more to be regretted, that during the last three years there has been a very small proportion of it collected. But what is the consequence? Are we to go back to begin to collect the whole of this tax, and still more, to collect the arrears? That is a course upon which I am confident no Government, however bold, would embark. What I desire to see in Ireland is that which was the object of the Catholic Relief Act—religious peace; but I do not think that we shall advance religious peace if we begin again to collect this tax. It may be collected; I will assume it to be possible to place in the hands of the Ecclesiastical Commission the whole of the sum which the tax ought to produce; but if we do collect the whole of these sums, small as they are, it will be at the expense of the ill-will of the country. An individual may find compensation in the collection of that which is his due, in the feeling that he is taking possession of that which is his own, without regarding the feelings of those by whom it is paid; but that cannot, or, at least, ought not to be the feeling of a Government. It is the duty of a Government to endeavour to establish tranquillity and good feeling throughout the whole country under its sway. Entertaining that feeling, I am naturally desirous that no further attempt should be made to collect this tax. At the same time, I must admit that there are also great difficulties and many things to be regretted in the surrender of it. It is much to be regretted that there should ever be a triumph of agitation over the law. I felt that when the Church Temporalities Act was passed, and I expressed myself in this House on the subject as strongly as any man. I am not now divested of that feeling; but looking at the whole question I think that, under the circumstances in which we are placed, it would be desirable rather to take the course of passing than of rejecting the measure. But there is another consideration, which ought not to be passed over.

I am unwilling, certainly, to deprive the fund at the disposal of the Ecclesiastical Commissioners even of the sum of £5,000, seeing that, according to the best judgment which I can form, they have no surplus; but, on the contrary, are at present in a deficiency. After taking into account all the occasional temporary charges and all the occasional temporary receipts, it appears to me that, taking credit for the whole of the £12,000 which might by possibility be collected on account of this ministers' money, their receipts would have been £107,000; whereas, charged as they are with the payment of ministers' money, their charges are £122,000; so that, supposing there should be no reduction of expenditure, and we are not to look for any material increase of revenue, there would be a permanent deficit of £15,000. I may observe that there is no limit that we can assign to the expenditure which may be incurred under the Church Temporalities Act. There is no end to the expenditure which may be incurred in building and repairing churches, and even then all the livings are to be raised to the amount of £200 a year. I know not what sum of money may be needed for this purpose, but I know that the larger collected the sum, the larger will be the expenditure, and that unless there is an absolute necessity for economy there will be, I will not say a mal-administration, but a loose and anything but economical management of the funds. I would not offer to your Lordships these doubts of mine, and the inclination of my mind to support the Bill, notwithstanding the objection which I feel to repealing a tax opposed in such a manner as this has been, if I were not prepared to offer a suggestion which, if it should be favourably received by the Government, would, I think, to a certain extent at least, do away with the inconveniences and losses which must be occasioned by the loss of ministers' money. I propose to find an equivalent for the sum to be taken away, and in this manner:—At the present time there is a perfectly separate and independent establishment for the administration of the revenues of the Temporalities Fund. They have their Commissioners, their secretaries, their treasurer, their clerks, their architect, and their solicitor, all separate and independent. We know how great the extravagance must necessarily be where, for performing acts which are of an analogous nature, instead of confining yourselves to one establishment you set up another, with all its separate paraphernalia. It will entail upon you great extravagance, and the work will not be so well done. I would suggest, therefore, that the administration of this fund should be transferred to the Board of Works in Ireland. They have their architect, their treasurer, and all the other means of performing the various operations which devolve upon the Commissioners of this fund. They have better means of ascertaining the most advantageous mode of carrying into effect the repairs of the different fabrics, they have their staff complete, and I apprehend that without any additional expense they will be enabled to perform all that is performed now by an expensive establishment. It really does strike me as most extraordinary, that in nearly all years previous to the year 1847, the expenses of management, such as I have described, amounted to £8,000 or £9,000—that is to say, to 10 per cent of the whole receipts. In these last years the sum does not appear to have been quite so much, in consequence of the omission of the charge of the solicitor; but I apprehend there can be no permanent reduction of that charge, and the amount will probably be much the same. By transferring the management of the fund to the Board of Works all this outlay may be saved. No doubt, there may be some jealousy on the part of the Church at such a transfer, but I see no objection to associating the episcopal members of the ecclesiastical corporation to the Board of Works on all matters referring to the Temporalities Fund, so as to preserve the ecclesiastical character of the administration; while at the same time you derive all the advantages of the possession of a perfect staff. I expect that if the administration of this fund were transferred, as I have suggested, you would have the work better done and more economically. In hopes that the Government will give their fair consideration to this suggestion, I vote for the second reading of the Bill. Should the Bill be read a second time, I shall again press the subject on the consideration of the House, and I shall probably then be prepared, should the Government not take it out of my hands, to suggest a clause or clauses by which this object may be carried out. It will then be open to your Lordships on the third reading to consider the whole subject again; but, under all circumstances, it is desirable that we should at least read this Bill a second time.

LORD BERNERS was of opinion, that this question ought to be treated as one affecting not merely Ireland, but the whole empire. If they took away the property of the Church wherever it might be, they took away the foundation on which it rested.

THE DUKE OF NEWCASTLE said, he would have been quite content to have given a silent vote upon this question, were it not that he had arrived at the conclusion to which he had come with regret and reluctance in reference to one point of considerable importance. But before he touched on that one point, he begged to be allowed to say a few words with reference to a portion of the speech of the noble Earl who had just resumed his seat. The noble Earl said there was little or no agitation on this subject in Ireland, and he compared the condition of that country in 1833 with that which it presented at this moment, and described it as exhibiting no agitation on this question and no disturbance. He must say he heard that remark with regret from the noble Earl, because surely he did not mean to maintain that no decision was to be taken on any question, however just it might be to do so, till there was agitation—nay, more, till there were disturbance and disorder in the country. They were apt to object to measures of this nature on two grounds—either because there was no agitation, and therefore no demand for them; or else because there was agitation, and therefore they ought not to yield them. He maintained, however, that it was the duty of a statesman to foresee evil before it arrived, and to forestall agitation by conceding measures that were just and necessary. If, therefore, as stated by his noble Friend who spoke last but one, this question had reached a point which demanded their immediate attention—if it had been carried, as their Lordships knew it had, in the other House of Parliament by a very large majority, and was introduced to this House under the sanction of the Government—if, under those circumstances, they were satisfied that it was a question which must soon find its solution in some such terms as those now before them, then they were bound to endeavour to settle it now, and to do so in such a way as that it would not only prevent disorder, but produce religious peace. The noble Earl who moved the Amendment objected with great force to the doctrine that any man should be allowed to base his resistance to an impost on his religious creed. He agreed so far with the noble Earl; but at the same time he begged to observe that it was on this principle church cess was abolished in Ireland, because it was imposed by a Protestant vestry on Roman Catholics. He did not, however, rest his support of measures such as the present on that ground, because, in the same spirit in which he considered that Roman Catholics were bound to contribute to the Established Church in Ireland he equally maintained that this country was bound to support and maintain the establishment of Maynooth. The noble Earl also contended that we ought not to alienate any portion of the revenues of the Church merely for the purpose of relieving the owners of property. We ought not, certainly, to interfere with the Church revenues merely for that purpose, but neither should we be deterred from doing so because property will be thereby relieved. When we abolished church cess to the extent of £60,000 or £70,000 we provided a substitute, not out of the property of the country, but out of the property of the Church. It was not done for that express purpose, but it nevertheless greatly relieved the property of Ireland. In 1854 the same thing was done when a large portion of the ministers' money was surrendered. There was another point to which he wished to allude. The noble Earl spoke strongly of the material difference between the conduct of the present Government and that of the Government of Earl Grey in 1833; but it appeared to him that Her Majesty's Ministers were pursuing precisely the course which was taken then. He understood from the Lord President of the Council that the Government had maintained the law in Ireland on this subject, but, seeing the necessity that existed for a change, they, like the noble Earl in 1833, felt themselves constrained to introduce the measure now before their Lordships. The noble Earl opposite had certainly brought forward a very grave charge — namely, that the Lord Lieutenant of Ireland had given corporations license to hold their hands with reference to ministers' money, and to take no steps regarding it till the Legislature had decided upon the question. Now, as he (the Duke of Newcastle) intended to vote for the second reading of the Bill, he must, while doing so, protest against any such conduct on the part of the Lord Lieutenant. The duty of the Lord Lieutenant was to maintain the law as it stood, however strong might be his representations regarding it to the Government at home; and he trusted that if, contrary to his expectations, this Bill was rejected, the Lord Lieutenant would continue to enforce the law in Ireland. He hoped, and confidently expected that some explanation would be given upon this point by the Government which would be satisfactory to the House. The noble Earl who moved the Amendment laid down in forcible language the difference which existed, in his mind, between the church cess abolished in 1833, and the impost to which the Bill before the House had reference; but the arguments of the noble Earl did not produce conviction in his mind. If the uncertainty of the charge of the impost of church cess and the peculiar nature of its application placed it in a different position to a tax enacted 200 years ago, he could not see upon what grounds church rates could be maintained. But he fancied he could perceive a material difference. While the vestry cess in Ireland had been levied from the earliest days of the Church, and was incident upon all the property of the country, this tax of ministers' money, imposed 200 years ago, only applied to a small portion of the country, and was imimposed, as history related, against the wishes and feelings of the people. But he trusted the Legislation of Charles the Second would not be considered of more authority than the law and custom of many ages. He now came to a ground upon which he certainly felt some reluctance at the vote which he was about to give, and this was, that it would withdraw from the Ecclesiastical Commission some portion of the funds which they so efficiently applied. But when they were told of the spiritual destitution in Ireland, he feared there were districts in this country of which the same remark could be made. The very Prelate whose letter had been referred to upon that point had, it appeared, since written another letter, stating, that in his opinion this charge ought to be abolished. The noble Lord opposite (the Earl of Derby) at the close of his speech had reminded their Lordships that the Bill, if passed, would make no difference to the clergy, because their interests had been provided for by the Act of 1854, and, whether the Bill was passed or not, would receive their incomes just the same. That was undoubtedly the case, as far as related to that portion of the clergy who derived any portion of their incomes from ministers' money. The clergy so far had no interest in the matter, but the Church in Ireland had. It was as a friend of that Church—not as a political, but as a religious institution—desirous of seeing her spiritual influence not only continued, but increased, believing that the abolition of ministers' money would strengthen the Church in the affections of the people and remove a grievous sore from its bosom, that he should give his vote for the second reading of the Bill.

EARL GRANVILLE: My Lords, when I rose to make my statement I reserved to myself the right of making replies to any observations which might not have been answered by other Peers. After the speeches of my noble Friend behind me (the Earl of Cork), the noble Earl opposite (the Earl of Ellenborough), and the noble Duke who has just sat down, I find the ground almost cut away from me. I shall therefore only occupy a very few moments at this stage of the debate. In making my opening observations, I was very much in the position of the man who, being an excellent shot at a target, said he found a great difference when the mark held a loaded pistol in his hand. So in my opening observations upon a subject with which I had not previously been intimately acquainted, I could not help being conscious of the danger I was incurring when I knew I should be followed by the most eloquent and acute debater in this House, who possesses more knowledge upon this subject than perhaps any other person. I must admit it was not only bold, but rash in me, to offer a challenge or to make a request to the noble Earl for explanation upon various points, knowing as I did the admirable manner in which he avails himself of appeals of that sort when he can derive any advantage from it. I made four appeals to the noble Earl. I admit I had no right to demand replies to those appeals. A Member of the noble Earl's Government in another place having given an intimation that a Bill had been prepared to deal with this question, and having met a Motion for the abolition of this tax by moving the previous question, I asked the noble Earl whether he had any objection to state what were the general principles of that measure, as he was now inviting the House to adopt a contrary course. The noble Earl has exercised his undoubted right in not giving the slightest reply to that question. I made a similar indiscreet request, whether he could suggest any substitute for this measure to meet the admitted difficulty in which the Government is placed. Upon that point, also, the noble Earl remained absolutely silent, as he had an unquestionable right so to do. I made another request to him, upon which it is not quite clear that he ought to leave the House in entire ignorance. I referred to the clause in which he takes credit as having strengthened thereby the Church in Ireland—a credit which I most cordially accord to him—and I suggested that the very same arguments of danger to the Church were raised against that enactment as he uses now in regard to this Bill. I really thought the noble Earl, having had a principal share in framing that measure, would have given us some explanation of this clause, as I cannot at present understand his objections to the Bill, I now invite the House to read a second time—

> "And be it further enacted, that in all parishes and places where, by virtue of any law, statute, or custom, provision may heretofore have been made, by vestry or other assessment, for the maintenance of any curate, lecturer, clerk, or other minister or assistant in the celebration of Divine worship, or attendant, or sexton, such provision by vestry or other assessment shall, from and after the passing of this Act, wholly cease and determine; and it shall and may be lawful for the said Commissioners under this Act, by and out of the proceeds of the said annual tax, and the other funds as aforesaid by this Act vested in them, to provide for all such purposes in such manner and proportions as to them shall seem fitting."

I am sure the noble Earl meant no discourtesy, but he did not give any explanation. The other point upon which I asked for information from the noble Earl was, that he should point out to the House in what respect there was a difference between the abolition of Church cess, with a substitute provided from the revenues of the Church, and the course which the Government proposes now to adopt. I will not argue upon the reply of the noble Earl. He stated his reasons with great ability, but I think they have been shown by the noble Duke who has just addressed us to be utterly unavailing, except for the purpose of showing the dangerous tenure of church rates in this country. I will just notice one or two points which have been referred to in the course of this discussion. The noble Earl (the Earl of Derby) said this measure has been brought in upon the sole ground that the Commissioners have ample funds to meet the deficiency it will create. I am not aware of having stated such a thing; but the noble Earl pointed out that it was impossible for the Commissioners to have a surplus according to their present excellent mode of disposing of their funds. The noble Earl also expressed his surprise that the Government should make this concession to some corporations who refused to collect the tax. He was not always of that opinion, however, for I find that in the other House, in 1847, the noble Earl, in answer to a question from the noble and learned Lord near me (Lord Campbell) said—

> "Therefore, although he admitted that it would be desirable to give a fair equivalent to the Protestant clergy in those cities for whom this was the only provision made by the law, yet the great difficulty was to obtain that equivalent, unless the cities themselves assented to a different mode of levying the tax."

The noble Earl went further, for he said it was monstrous to alter the law because seven cities, which paid but a small proportion of the tax, objected to it, while Dublin, which paid the greater portion, offered no opposition. The argument of the noble Earl is a very sound one, but he is not correct as to the fact, because the Corporation of Dublin, including Whigs and Tories, Protestants and Roman Catholics, has come to the resolution to petition against the continuance of the tax. A noble Earl opposite (the Earl of Ellenborough) has made a very important suggestion with the view of economizing the revenues of the Ecclesiastical Commissioners, and has stated that if the Government did not do so he himself would propose a clause for the purpose of carrying that suggestion into effect. I have some doubts whether such an arrangement as the noble Earl proposes, if possible, should be made by means of a clause in this Bill. I admit, however, that his suggestion is, to a certain extent, worthy of consideration, always taking care that the Board of Works is not allowed to have a real voice in determining the principle of distribution, or the amounts which are to be bestowed upon the different districts. The noble Earl may be assured that the Government will take his suggestion into consideration, and if they cannot see their way to the adoption of the measure which he proposes they may think it advisable to refer the subject to a Select Committee. The noble Duke who spoke last said that the Government ought to give some explanation with respect to the charge that the law has been suspended in deference to those who resist its operation. I know of no declaration such as that quoted as coming from the Lord Lieutenant; on the contrary, I know that the legal proceedings in question were pushed with the utmost vigour until the Parliamentary announcement was made by Her Majesty's Government that it was proposed to bring in a Bill on the subject, when, of course, the proceedings were arrested.

THE EARL OF DERBY: I have no right to answer the reply of the noble Earl, but I trust I may be allowed to give the explanation requested with respect to the meaning of the words inserted in the Bill of 1833. When the vestry cess came to be abolished, it was necessary to provide for all the charges imposed upon it. Among those charges was included—not quite regularly, but such had been the long practice—one for the maintenance of curates in Dublin. The words referred to by the noble Earl were introduced to cover the amount of that charge.

EARL GRANVILLE: The noble Earl has given a satisfactory account of the object which the words were intended to serve, but none as to how the clause differs in principle from the present Bill. He has not even shown how it does not apply to ministers' money.

THE EARL OF DERBY: I have given the noble Earl the best explanation in my power; if he wants any further information, I beg to refer him to the Lord Chief Justice, who, as Attorney General, assisted in framing the clause.

LORD CAMPBELL: It is quite true that I had the honour to assist the noble Earl, who then filled the office of Secretary for Ireland, in framing the clause. The noble Earl showed himself at that time a true friend of the Church in Ireland; he was a skilful pilot in extremity; he resorted to Jonahism, throwing overboard church rates and bishoprics; and if he had only tossed over ministers' money likewise, the ship would have righted. With respect to the clause in dispute, I am not able at this moment to give any explanation. I sincerely believe that at that time ministers' money was overlooked. I rejoice now that this Bill is added to the excellent measure which the noble Earl passed in 1833. It completes the scheme. The noble Earl must regret that ministers' money was not included in his Bill, for it has been the misery of every Administration from that time to the present; and he must rejoice when the present Bill has passed, for he surely cannot wish when he is again Prime Minister—as he may be—to have ministers' money the torment of his new Government.

On Question, That ("now") stand part of the Motion? their Lordships *divided*:—

Contents (Present) 65
Proxies ... ... 36—101

Not-Contents (Present) ... 71
Proxies ... ... 25— 96

Majority 5

Resolved in the *affirmative*; Bill read 2ª accordingly, and *committed* to a Committee of the whole House on Monday next.

CONTENTS.

(PRESENT).

Cranworth, L. (*L. Chancellor.*)

Leeds, D.
Newcastle, D.
Somerset, D.

Ailesbury, M.
Lansdowne, M.

Abingdon, E.
Airlie, E.
Chichester, E.
Clarendon, E.
Cowper, E.
Ducie, E.
Ellenborough, E.
Granville, E.
Grey, E.
Harrowby, E.
Minto, E.
Morley, E.
Munster, E.

Eversley, V.
Sydney, V.
Torrington, V.

Manchester, Bp.

Belper, L.
Boyle, L. (*E. Cork and Orrery.*)
Byron, L.
Camoys, L.
Campbell, L.
Carysfort, L. (*E. Carysfort.*)
Churchill, L.
Clandeboye, L. (*E. Dufferin and Claneboye.*)
Congleton, L.
Dacre, L.
Dartrey, L. (*L. Cremorne.*)
De Mauley, L.
De Tabley, L.
Erskine, L.
Fingall, L. (*E. Fingall.*)
Foley, L. [*Teller.*]
Granard, L. (*E. Granard.*)
Hamilton, L. (*L. Belhaven and Stenton.*)
Kenlis, L. (*M. Headfort.*)
Kingston, L. (*E. Kingston.*)
Kintore, L. (*E. Kintore.*)
Leigh, L.
Lismore, L. (*V. Lismore.*)
Lovat, L.
Lurgan, L.
Minster, L. (*M. Conyngham.*)
Panmure, L.
Petre, L.
Ponsonby, L. (*E. Bessborough.*) [*Teller.*]
Rivers, L.
Rossie, L. (*L. Kinnaird.*)
Saye and Sele, L.
Somerhill, L. (*M. Clanricarde.*)
Stafford, L.
Stanley of Alderley, L.
Strafford, L.
Stuart de Decies, L.
Sundridge, L. (*D. Argyll.*)
Talbot de Malahide, L.
Vaux of Harrowden, L.
Vivian, L.
Wycombe, L.

(PROXIES).

Bedford, D.
Devonshire, D.
Grafton, D.
Portland, D.
Sutherland, D.

Camperdown, E.
Carlisle, E.
Durham, E.
Ellesmere, E.
Gainsborough, E.
Lindsey, E.
Radnor, E.
Yarborough, E.

Carlisle, Bp.
Gloucester and Bristol, Bp.

Alvanley, L.
Arundell of Wardour, L.
Dorchester, L.

Dormer, L.
Fisherwick, L. (*M. Donegal.*)
Fitzgibbon, L. (*E. Clare.*)
Gardner, L.
Godolphin, L.
Howard de Walden, L.
Londesborough, L.
Meldrum, L. (*M. Huntly.*)
Mendip, L. (*V. Clifden.*)
Mostyn, L.

Oriel, L. (*V. Massereene.*)
Penshurst, L. (*V. Strangford.*)
Stourton, L.
Vernon, L.
Ward, L.
Wenlock, L.
Wharncliffe, L.
Worlingham, L. (*E. Gosford.*)

NOT-CONTENTS.

(Present).

Manchester, D.
Northumberland, D.

Bath, M. [*Teller.*]
Exeter, M.
Westmeath, M.

Abergavenny, E.
Amherst, M.
Beauchamp, E.
Belmore, E.
Brooke and Warwick, E.
Carnarvon, E.
Derby, E.
Desart, E.
Erne, E.
Graham, E. (*D. Montrose.*)
Hardwicke, E.
Harewood, E.
Harrington, E.
Malmesbury, E.
Mayo, E.
Nelson, E.
Romney, E.
Seafield, E.
Selkirk, E.
Talbot, E.
Vane, E.
Wicklow, E.
Wilton, E.

Combermere, V.
Doneraile, V.
Dungannon, V.
Hill, V.
Hutchinson, V. (*E. Donoughmore.*)
Melville, V.

Chichester, Bp.
Kilmore, &c., Bp.
Meath, Bp.

Salisbury, Bp.
St. Asaph, Bp.

Abinger, L.
Ardrossan, L. (*E. Eglintoun.*)
Bateman, L.
Berners, L.
Boston, L.
Brodrick, L. (*V. Midleton.*)
Castlemaine, L.
Clinton, L.
Clonbrock, L.
Colchester, L.
Colville of Culross, L. [*Teller.*]
Crofton, L.
Denman, L.
De Ros, L.
Dinevor, L.
Downes, L.
Dunsandle and Clanconal, L.
Feversham, L.
Gray, L.
Kilmaine, L.
Melros, L. (*E. Haddington.*)
Polwarth, L.
Rayleigh, L.
Redesdale, L.
Sandys, L.
Scarsdale, L.
Sheffield, L. (*E. Sheffield.*)
Silchester, L. (*E. Longford.*)
Sondes, L.
Southampton, L.
Willoughby de Broke, L.
Wynford, L.

(Proxies).

Ailsa, M.

Beverley, E.
Buckinghamshire, E.
Dartmouth, E.
Hillsborough, E. (*M. Downshire.*)
Howe, E.
Jersey, E.
Leven and Melville, E.
Macclesfield, E.
Onslow, E.
Orford, E.

Poulett, E.
Stamford and Warrington, E.
Stradbroke, E.
Tankerville, E.

Bangor, V.

Cloncurry, L.
Foxford, L. (*E. Limerick.*)
Grantley, L.
Grinstead, L. (*E. Enniskillen.*)
Middleton, L.
Plunket, L. (*Bp. Tuam, &c.*)

Ranfurly, L. (*E. Ranfurly.*)
Tenterden, L.
Wigan, L. (*E. Crawford and Balcarres.*)

House adjourned at a quarter to Eleven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, June 18, 1857.

Minutes.] New Writ.—For Banffshire, *v.* The Earl of Fife, Manor of Hempholme.

Public Bills.—1° Lunatics (Scotland); Weights and Measures; Sites for Workhouses.

2° Ecclesiastical Corporations; Ecclesiastical Commission, &c.; Insurance on Lives (Abatement of Income Tax) Continuance; Charitable Uses.

COMMUNICATION WITH IRELAND—ORDNANCE MAPS—QUESTIONS.

Mr. REPTON said, he would beg to ask what arrangements have been made by the Government for improving the communication between London and Dublin?

Mr. LIDDELL said, he would also beg to ask the hon. Gentleman the Secretary to the Treasury if he can state when the Ordnance Maps of Dublin will be furnished to the public?

Mr. WILSON said, in answer to the first question, he was sorry to say that the Government was still without any communication from the united Companies with whom the arrangements were to be made, and he was unable to give any further information at present. In answer to the second question, he had to say that if it was repeated on Monday he would state the progress which had been made with the Ordnance survey of the United Kingdom.

LUNACY BILL (SCOTLAND)—QUESTION.

Sir JOHN OGILVY said, he rose pursuant to notice to ask the Lord Advocate if it is his intention to make any provision in his Lunacy Bill for the proper management and training of weak or imbecile children.

The LORD ADVOCATE said, that his hon. Friend on the bringing up of the Lunacy Bill that night, would see what he proposed to do. He did not consider that it would be proper or necessary to introduce such a provision into a general measure.

SAVINGS BANKS BILL—QUESTION.

VISCOUNT GODERICH said, he rose to ask the Chancellor of the Exchequer whether, in the event of the passing of the Savings Banks Bill during the present Session, he would be willing to consent to the appointment of a Select Committee next year, to inquire into and consider the whole state of the law relating to savings banks, with a view to its consolidation and amendment.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in answer to the question of my noble Friend, I have to state that, in the event of the Savings Banks Bill becoming law during the present Session, I shall be prepared next Session to assent to the appointment of a Committee to inquire into the general state of the law on the subject of savings banks, the constitution of savings banks, the financial question raised by an hon. Gentleman opposite (Sir H. Willoughby), and also whether the entire Statutes relating to savings banks may not be consolidated.

MR. HADFIELD: Does the right hon. Gentleman intend to persevere with his Bill?

THE CHANCELLOR OF THE EXCHEQUER: I intend certainly to proceed with the Bill in this present Session, but I shall move to postpone the Order, which stands for Monday, until Thursday next.

SIR HENRY WILLOUGHBY: That will be rather an early day to enable the governing bodies of the different savings banks to meet and consider the question in the interval.

THE CHANCELLOR OF THE EXCHEQUER: My wish is to proceed with the Bill upon the earliest possible day. There is no prospect of my being able to proceed with it on Monday, and I shall therefore move to postpone the order till Thursday.

ORGANIZATION OF THE ARMY.

OBSERVATIONS.

Report of Supply (Army Estimates) *brought up.*

First Resolution read, 2°.

GENERAL PEEL said, he rose pursuant to notice to call the attention of the House to portions of the evidence taken before the Sebastopol Committee and the Chelsea Commission, showing the necessity of defining the responsibility and duties of the various departments. He had no doubt the House would affirm the Resolution agreed to in Committee of Supply, and freely vote every shilling requisite for the expenses of the various departments of the army; but he felt it his duty to warn the House that unless considerable alterations were made in the organization of those departments, and in the method of conducting their business, the sums now voted would not insure efficiency, and that if war were to break out to-morrow disasters might again occur similar to those which disgraced our military system at the commencement of the campaign in the Crimea. It was not only the right, therefore, but the duty of the House to inquire into the due administration of the expenditure of the army. It might appear presumptuous that a person like himself, without experience, should venture to bring forward a military question in the presence of so many distinguished officers who were far better qualified to deal with it; but the subject to which he wished to call attention had less reference to the execution of military duties than to the organizations of those departments on which the army depended for its supplies, and any failure of which must at once weaken its efficiency. He also felt warranted in the course he was now adopting by the knowledge he had acquired of the regulations of those departments while serving on the Sebastopol Committee and the Chelsea Commission, before which the calamities that had befallen our army during the late war were fully investigated. In alluding to these inquiries nothing was further from his intention than to say a single syllable which could by possibility raise any discussion as to the opinions expressed by the witnesses examined before those tribunals on the conduct of individuals. Whatever differences there might have been on other matters, on one point there was perfect unanimity among those who carried on these investigations — namely, that the main cause of the misfortunes of our army was the want of proper organization of the departments. He would not trouble the House by reading the evidence, but would content himself with briefly quoting the opinions arrived at from that evidence. The Report of the Sebastopol Committee, which was drawn up by the Duke of Somerset, who had great experience on this subject, and —than whom no man could have been found more competent for the task—contained this passage—

"No measures were taken for rendering effec-

> tive the offices on whose vigorous administration the success of all operations and the maintenance of the army depend."

The hon. Member for Sheffield, in No. 15 of his draught Resolution, submitted to the Committee, stated—

> "Much of delay, confusion, and inefficiency has resulted from the faulty distribution of power among the different departments of the public service, and from the want of certainty and precision as to the precise nature and extent of the separate authority of each."

He added—

> "The intricacy and confusion that prevail in every part of the business of the public departments are of themselves sufficient to account for the failures and disasters that have occurred in the proceedings of all of them."

The draft of the Resolution, which was drawn up by himself, he should not quote, but he would only say that in that opinion he fully concurred. The noble Duke (the Duke of Newcastle) who had himself filled the office of Secretary for War, and on whose head was visited most unjustly the censure due to departments which were not then under his control, in answer to question 15,100, page 80, third Report of the Sebastopol Committee, stated:—

> "I am certain, in order to enable any Secretary of State for War satisfactorily to himself and to the public to carry out his duties, there must be very material changes in all the war departments."

It might be said that all these complaints referred to bygone times, that great changes had since taken place, and that every desired improvement had been effected by placing these departments under the immediate control of the Secretary for War; while he had no doubt that the great improvement which took place in the condition of our army in the Crimea, at the close of the campaign, would be adduced as additional evidence of an alteration having taken place in our military organization. He was not, however, convinced that the army was safe from a recurrence of such calamities as those by which it had lately been visited. We went from one extreme to the other; for whereas, at the beginning of the war our troops were not duly supplied with the necessaries of life, and were consequently exposed to the severest privation and hardship, so afterwards, at a cost and by the aid of means which could never be resorted to again, they were overwhelmed with articles forming no part of the soldier's ordinary equipment, and which must have seriously impeded their movements if they had had to take the field, and three-fourths of which, had the army been compelled to make a single day's march, they would have been compelled to leave behind. No comparison could be made between the ordinary condition of an army in the field and one that was stationary, as was ours in the Crimea. A railroad and barracks in the field (which the huts were), an Army Working Corps, and the employment of a large staff of civilians at a much higher rate of pay than the fighting men, are all exceptions to a system; and although he gave the greatest possible credit to those who, by the adoption of these means, restored the efficiency of the army, still it is no precedent for the future, and an army taking the field must be dependent on the efficiency of the establishments whose business it is to supply its wants; and he was persuaded the great fault of our military system was the practice of making one department dependent upon another for the execution of duties for which it was responsible. This remark strongly applied to the Quartermaster General's department. The House would, perhaps, permit him to read a short extract from the Report of the Chelsea Commission, drawn up by an officer who had served with distinction in the Quartermaster Generals' department in the Peninsular war, where the arrangements showed the power of the master mind who was at that period at the head of the British army. The Report having expressed an opinion as to the individual conduct of each officer in the Quartermaster General's department in the Crimea, proceeded—

> "That their endeavours often failed in their object cannot fairly be matter of charge against a department which, although ostensibly responsible for the performace of duties of the very first importance to an army in the field, is yet left unprovided with any means at its disposal of carrying out its own arrangements, and thus becomes entirely dependent on the precarious aid of other departments, which in this particular service were over-taxed far beyond their strength and resources. Formerly the Quartermaster General's department was on a very different footing in this respet. The greater part of a staff corps of infantry, composed entirely of artificers, and commanded by officers especially trained or selected with a view to staff employment, was attached to the Quartermaster General's department, and its services were at all times available for the performance of duties which could not otherwise be provided for."

Now, in his evidence, General Airey said—

> "The Quartermaster General's department consists entirely of officers, and is not supplied with workmen or artificers of any description, and has no right or power to make purchases, or to enter into any pecuniary engagements of any kind. It is only by requisitions that the depart-

ment can operate. It will be seen, therefore, that so far as the duties of the Quartermaster General are connected with the execution of army works, he, having no means of executing them in his own department, can actually discharge himself of all apparent responsibility by the judicious use of a few sheets of paper."

He added—

> "Although it were well known to him that the work could not really be executed, he might repose in the thought that his office contained paper proofs of his having done his duty."

In justice to Sir R. Airey he (General Peel) must add that he stated—

> "It was not thus I performed my duty. I never covered myself by signing requisitions being more or less in the councils of other departments. I did not mock them by making demands which I knew they were incapable of meeting."

The Quartermaster General's department was responsible for the supply of the stores, and was also ostensibly responsible for the conveyance and the delivery of the clothing. But what means were at its disposal for the performance of these functions? On this point the Quartermaster General, in his evidence, said—

> "The Quartermaster General's department has no stores, no storehouses, no issuers, no means of land transport; none, in fact, of the machinery necessary for receiving stores or keeping them, or for transporting them or for delivering them to the men."

He (General Peel) believed that that was the present state of the Quartermaster General's department. The only means of acting the department had was still by requisition. Now, the evidence given by Dr. Smith regarding the system of acting by requisition in the Medical department was deserving of particular attention. Dr. Smith said that at the breaking out of the war he was called upon by the Commander in Chief to supply the army with everything requisite in the Medical department, and he stated that having decided on the proper quantity, he had to provide the medicines and surgical instruments himself, and then to make a requisition to the Ordnance for the utensils, furniture, &c. A requisition had also to be sent to the Admiralty for the medical comforts, such as wine, sago, arrowroot, &c.; but he had no means of knowing whether his requisitions had been complied with. He could only communicate with the Ordnance and the Admiralty through the Commander in Chief. In his examination Dr. Smith, in answer to questions, stated—

> "'Was any bill of lading sent to you?' 'No; I must mention that I was not considered to have the slightest power or control over the shipping, all that I had to do was to forward my requisitions, and they took everything out of my hand; it was not considered by me either decorous or proper to interfere further. I did so, notwithstanding; every two or three days I sent a man down to know what progress had been made.' 'To whom did you apply to supply the medical comforts, such as wine, and sago and arrowroot?' 'At the time it was very difficult to know whom I ought to apply to; the regulation, as far as regarded me, was that I must address myself on every subject to the Commander in Chief. I was not allowed the right of corresponding directly with every department; I had to go to the Commander in Chief, the Commander in Chief applied to the Board of Ordnance, the Board of Ordnance applied to the Admiralty, and the Admiralty, up to August, furnished the medical comforts.'"

Thus the Board of Ordnance, when it received such a requisition, was bound to put itself into communication with the Admiralty before it could comply with it, and even after they had complied with the requisition with which they were concerned, it was necessary to have another requisition to the Admiralty for transport service. So that it is left at last a matter of surprise, not that confusion arose, but that by any chance it was avoided. He could go on quoting the evidence of witness after witness to prove that the different military departments were in a state of deplorable confusion at the time of the late war, but he thought he had stated sufficient to show that, at all events, there did exist a want of such definite regulations as were necessary to secure the efficient operation of all those departments, and to make them act as one machine. He thought the House had a perfect right to ask what alteration had been made in the action of these departments (especially the Ordnance, the Commissariat, and all those departments, in fact, by which the wants of the army were supplied) by placing them under the immediate control of the Secretary for War. He had heard, but he knew not what amount of credit ought to attach to the statement, that so far from the late Order in Council having contributed despatch in the communications between the different military departments, communications which previously received official answers in three days were now not answered before the lapse of ten days. In making these observations he was actuated by the most friendly disposition towards the heads of these departments. He was convinced that they desired nothing so much as the authoritative laying down of clear and definite rules as to their duties and responsibilities. In asking for the issue of those rules, he asked for no more than the noble Lord at the head of the War Department himself, admitted in a speech delivered by him in May, 1855, to be necessary. The noble Lord on that occasion said he had not the smallest objection to lay before Parliament such express and definite regulations as might be considered necessary for the efficient control of the various military departments; and, accordingly, on the 6th of June last year there was laid on the table of both Houses of Parliament an Order in Council, which to a certain degree did define the duties of a certain number of officers; but it was cancelled by an Order of Council of the 2nd February of this year, which has not been laid before Parliament, which merely stated the amount of the salaries attached to the different offices, but gave no definition of the duties. He did not at all question the ability or the desire of the noble Lord at the head of the War Department to organize the various military departments. In fact, he knew no person who was better qualified than that noble Lord to frame, in conjunction with his Royal Highness the Commander in Chief, a code of regulations for their guidance. But his (General Peel's) object in calling the attention of the House and the Government to the subject at the present moment was to urge the danger of postponing the issue of such regulations until the breaking out of another war. It was far better to institute an inquiry as to the best means of averting a calamity than to make inquiries about it after it had occurred. The regulations which he desired to see issued ought to be well considered, founded upon the evidence of competent witnesses, and of a permanent character. They ought not to be subject to the capricious alterations of successive Secretaries at War, who might or might not be competent to deal with such subjects. They ought to be framed, in the first instance, by the noble Lord at the head of the War Department, and then submitted for approval to the Government and Crown. After they had been so approved, copies of them ought to be furnished to all the military departments for their guidance. He had said nothing as to the nature of those regulations, or of the alterations that might be necessary in the duties of the different departments, for he felt that his right hon. Friend the Member for Coventry (Mr. Ellice) and his right hon. Friend the Member for Wiltshire, both of whom had so admirably filled the office of Secretary for War, might think it altogether impertinent in him to express any opinion as to the changes that might be desirable. He hoped, however, that those right hon. Gentlemen would express on the present occasion their opinions as to the necessity of regulations with regard to the duties and responsibilities of the military departments; but, above all, he desired that they should say what were their opinions as to the power and responsibilities of the Secretary for War being clearly defined. The Duke of Newcastle, in his examination before the Sebastopol Committee, stated that the demarcation between the power of the Secretary for War and Commander in Chief were indefinitely inconvenient, and although he (General Peel) considered that the evidence afterwards given by Viscount Hardinge and a speech made by the noble Lord the Secretary for War in the House of Lords, showed pretty clearly what the relative positions and duties of the two officers are, yet he thought that something more definite was needed for the proper regulation of the departments than mere opinions expressed in evidence before Committees or in speeches in the House of Lords. He hoped that he had succeeded in impressing the House with the necessity of a clear definition of the regulations and responsibilities of these departments, and was convinced that an assurance from the noble Lord at the head of the Government that the War Department should be guided by some fixed and definite plan, and that, to use the words lately used by the noble Lord, we should not, in the event of another war, be left "wandering in the mazes of error" would afford the greatest satisfaction.

Mr. ELLICE (Coventry) said, he could not refuse to answer the appeal of the hon. and gallant Officer. He entirely concurred in all the opinions which he had just expressed. With him he was a member of the Sebastopol Committee before which abundant evidence was given of the utter confusion in all these departments at the beginning of the last war. They were then, in fact, in greater confusion than they had been for some time previously. The Board of Ordnance, which used to be one of the most efficient branches of the public departments, happened then to be in a most inefficient state, and, in fact, in a state of utter disorganisation; and it never surprised him that the noble Duke who then undertook the office of Secretary for War found that it was almost impossible to carry on efficiently any communication with the different departments. He (Mr. Ellice, sen.) understood that his noble Friend the present Secretary for War had arranged a plan for the improved organization of the different military departments, but he thought that a more detailed statement of that organization should be laid before the House. It was clear that some uncertainty still prevailed as to the limits of the powers of the Secretary for War and Commander in Chief, for, to take one instance—when his Royal Highness the Commander in Chief was examined before the Commission now sitting, (and without improperly disclosing any of the evidence, he might state that questions were asked with respect to the education, examination, and admission of cadets into the scientific corps, and that those questions were answered with great openness and candour), he (Mr. Ellice) observed something of hesitation when the question was put as to who was responsible for the examination and admission of those cadets. He had no doubt that his noble Friend at the head of the War Department had done everything requisite to place the whole of these departments under his immediate direction; but the country would certainly feel better satisfied if a detailed statement of the alterations that had been made were laid before them. He would now allude to a subject upon which hitherto he had not troubled the House; namely, the amount of the military Estimates. He thought they were such as the people would not tolerate on a peace establishment, but he did not desire that the Government should make any reductions in them without great consideration. But when he said that, he must add that we were beginning to make a great experiment. We had begun to copy the system of continental nations with respect to the organization of our army. We had divided our army into divisions and brigades, and had thereby rendered necessary the employment of an immense number of staff officers—far more than were hitherto deemed sufficient. If he had moved for a comparative statement of the Estimates which it once fell to his lot to move, and of the present estimates so far as concerned the number of staff officers employed, there was not one hon. Member in that House who would not be astonished by the recent increase. He would express no very decided opinion on the new system which we had begun of establishing large military camps and barracks in the centre of the country. It was too late now to protest against Aldershot. He was one of those, however, who thought that in pushing these establishments too far we ran the risk of having them hereafter curtailed beyond what it would be prudent to curtail them for the national security. This was a risk which always seemed to be run in England. At one time the country was in a fever of impatience to grant everything that was asked for on account of our military establishments, and after that it went to the other extreme in refusing reasonable demands. In thus expressing an opinion adverse to Aldershot he did not wish to display any hostile spirit either to the Government or to the projectors of this establishment, but, when there existed that settled kind of peace, which seemed to exclude any immediate prospect of hostilities anywhere, he looked with apprehension to what might be the opinion of the country two or three years hence respecting a military camp built to hold 4,000 infantry, 1,500 cavalry, and two or three batteries of artillery—a force which, with the followers, must be estimated at not far short of 10,000 men, and that, too, more especially when he considered the difficulty of maintaining the discipline and organization of such a fortified camp. At the same time he knew the object with which this had been done, and he was quite willing to admit that that object was a very good one, and that preparations ought to be made in time of peace for a contingency which would expose the country to much danger during war. He thought, however, we might have made these preparations in another way. If inquiry had been made into the amount of barrack accommodation we possessed—distinguishing between that which was necessary for our peace establishment and that which might be required for the emergencies of war—he believed it would have been found unnecessary to vote the enormous sums for both purposes which this House had been called upon for. They had voted money for the barracks at Dover, Winchester, Portsmouth, and elsewhere; for huts at the Curragh and other places; and he felt sure that the existing barrack accommodation ought to be sufficient, and that inquiry ought to have been made respecting it before recourse was had to these new establishments. In London he supposed there was barrack room for 5,000 men; there were extensive barracks at Woolwich for the artillery; the barracks at Colchester and Chatham would hold a large number of troops, and he suggested whether it would not have been better policy to keep our troops at these separate stations, bringing them to Aldershot to be exercised and disciplined during the summer months. This was the plan he should have adopted; the Government had adopted another; but no doubt their object was the same—namely, that of rendering our establishments during peace ready for any emergencies in time of war. Now, it was quite ridiculous to talk of our military reforms unless we were determined that such an army as we maintained during peace should be as efficient as possible, and that the officers who commanded it should be of an age which should give the country hope that they would be qualified to act during war. He was afraid, however, from what he heard and saw, that, if he were to move for a return of the ages of officers now placed upon the staff, it would be seen that there was a great number from whom the country could derive very little service upon any emergency. Thus Lord Seaton, at eighty-two, was commanding our garrisons in Ireland, instead of a young man who would see personally to the condition of the regiments, and who would be gaining experience there which would be most valuable in time of war. The appointment of young men instead of old veterans like Lord Seaton (of whom, however, he spoke with the greatest possible respect) would be what he should call a proper system of administration during peace. We might talk as we would about army reform, bnt unless such a system were introduced talking would be vain. He knew as well as anybody the difficulty which existed. There were many old officers anxious for employment, and it was very painful to say to them, "We must appoint younger men, to your exclusion." The country could not value too highly the past services of many of these veterans, and there was no distinction or compensation which it ought not to be willing to bestow on them, but they ought to be told firmly "We cannot employ you under present circumstances, because we must enable those officers who will be fit for service when we want them to gain that experience during peace which will be of such value in time of war." He begged pardon for having troubled the House so long. He had come there not intending to say one word upon the subject, but the hon. and gallant General having appealed to him as to the present organization of the army, he could not refrain from making these few observations.

SIR JOHN PAKINGTON said, that although concurring in them he must express a hope that the House would not be led away by the remarks of the right hon. Gentleman from the extremely interesting and important subject which had been brought under their notice by his hon. and gallant Friend the Member for Huntingdon. He, too, had been a member of the Sebastopol Committee. He need not repeat to the House the abundant proof adduced before that Committee of the great confusion which existed in the military departments of this country, and he, for one, believed that the difficulties and sufferings which our army experienced in the Crimea were mainly attributable to that confusion rather than to the misconduct of any individual officers. His hon. and gallant Friend had done a great public service by calling attention to this subject in a manner which must convince every one who heard him that he was influenced by no other motive than the promotion of the public service. With the right hon. Gentleman he (Sir J. Pakington) did hope that, after having suffered so much by the want of due regulations during war, Her Majesty's Government were sensible of the importance of making effectual arrangements in a time of peace, and would be prepared to state to the House that the duties of the different military departments were really understood and strictly defined; and that hereafter, if we should again have the misfortune to be involved in war, the country would have security that they would not again suffer from the confusion which before took place in the departments. He quite agreed with his hon. and gallant Friend that first in importance was the necessity of a clear understanding as to the respective duties of the Secretary for War and the Commander in Chief. It would be in the recollection of the House that in the course of last Session this important point was brought forward in another place, and upon that occasion he thought the answer given by Lord Panmure was a satisfactory one. It was very desirable, however, that the country should have something more definite and decided before them than even the speech then delivered by the noble Lord the Secretary for War. They had been led to hope that the Government would lay upon the table some written statement by which the duties of these officers and the other departments should be clearly defined, and it would, he thought, be satisfactory to the public if the Government would avail themselves of the opportunity for doing so given them by his hon. and gallant Friend.

GENERAL CODRINGTON observed that the question of the relative duties of the Secretary for War and the Commander in Chief was not entirely a military one, and therefore he was rather loth to refer to it in the presence of so many statesmen better able to deal with the subject. No doubt the situation of Commander in Chief was one of great responsibility, and formerly that responsibility was direct to the Crown. A Secretary of State for War had, however, now been appointed, and there certainly was great difficulty in defining exactly the duties and responsibility of either situations. The object of this recent alteration was unity in the action of the War Departments; but he did not think this unity could be effected when you had two officials with correlative powers not defined. The discipline and punishment of the army were left, he believed, as entirely as they could be when there was a Secretary for War, with the Commander in Chief; but he believed it would be very difficult to say who was really the person responsible for any particular regulation, or even particular points of discipline. Now, the discipline of the army must be left in the hands of the Commander in Chief. The appointment of persons to commissions also must surely be left to the Commander in Chief. Then who, under those circumstances, was to be responsible? Hon. Gentlemen asked questions in that House, and expected answers from the Under Secretary for War; but surely, as a general rule, the Commander in Chief was responsible; and if so, he ought to have the most ample and independent power to carry that responsibility into effect. With respect to the direct interference of Parliament with the war establishments of the country, he thought that it would be very desirable to consider whether the direction of those establishments could not be separated from the finance arrangements, as they had been previously to the war, so that the latter might continue to be the main business of the Secretary of State for War, who should confine himself to that subject, and to making himself acquainted with the resources and establishments of other countries, and the establishments necessary for ourselves in case we went to war with those countries, without interfering in all those questions of detail which, under the present system, Parliament often forced him to interfere with. If the Secretary of State for War confined himself to that, he thought that he would have quite enough to do, without touching the details, for which the Commander in Chief ought to be responsible. Let them take the question of honours, for example. He presumed that honours and rewards were at present partly under the control of the Secretary of State for War, but if the Commander in Chief were responsible for the discipline and punishment of the army, surely he should also have the rewards of the army under his entire control. With respect to the subject of finance, he knew that the country did not like a military man to touch that question. That might be right, or it might be wrong; at all events, it was constitutional, but he feared that it very often crippled the executive powers of the Commander in Chief; and, at the same time, he could not help remarking that the necessity for an order for every trifling expense going through a civil department was one of the causes of the great waste of time which, under the present system, was inevitable. Upon the subject of honours, however, it was a mistake to say that a person in the position of the Commander in Chief—whether he were of the blood royal, or a distinguished general officer—was not sufficiently responsible by his public station, and by his sense of high military feeling, for what he did. He thought, therefore, that on such a subject it was not necessary that there should be a direct responsibility through the Under Secretary for War to that House. With respect to Lord Seaton, who had been referred to by the right hon. Gentleman behind him (Mr. Ellice), there could be no doubt that his experience was of great advantage to the army; and it must be remembered that an officer of such standing, although his years were great, could appeal with peculiar force to what he had seen and done on service, and could afford such advice and information, founded on actual experience, as might be worth, perhaps, a great deal more than the instruction of younger officers, who had not seen the same extent of service. As regarded the increase in the number of staff appointments which had taken place on the close of the war, he imagined that they must have originated in the desire that the army should profit by a continuance of that experience which had been gained in the Crimea. Certainly a great many officers had been so appointed; but they had held very responsible appointments in the Crimea, and it was in order to bring the information which they had thus acquired to bear upon the army generally that he thought those officers had been continued in England. With respect to Aldershot, it was evident that there must be barracks in England. If there were sufficient barrack accommodation to house the troops without it, perhaps there would be no necessity for Aldershot; but as, just previously to the war, we had a very useful camp at Chobham, which had been presided over, and most efficiently taught by Lord Seaton, he thought it to be a great advantage that we should have a similar place now to carry on that same description of instruction, which certainly had proved of very great service in the Crimea.

Mr. HENLEY thought that the House and the country owed a deep debt of gratitude to the hon. and gallant General who had brought this matter under their consideration. They had heard years and years ago all these subjects, of which complaint was now made, reiterated over and over again by the late Mr. Hume *usque ad nauseam;* but as Mr. Hume was a nonprofessional man nothing had resulted, and the time which had been occupied had been almost wasted. But now that military gentlemen themselves, who perfectly understood the question, and who could speak with authority upon it, had taken it up, he thought that there was some hope that the inconveniences which had been pointed out would be remedied. He regretted to find, however, that those gentlemen seemed to have little hope that that round-about system which had been so deprecated, and which compelled an officer on service when he wanted an article to go through a variety of civil departments before he could obtain it, could be put an end to; because he had thought that one of the objects of the concentration of the departments which had recently taken place was to avoid that "circumbendibus" system from which the army had suffered so much, and that the Secretary of State for War would be able to put an end to it. He thought that the House and the public had a right to have information afforded them as to the mode in which those departments were to be regulated, and he was glad to perceive that that right seemed to be recognized by the Government. He hoped, however, that it would be ultimately found practicable to establish some system, which would enable the different branches of the service to get what they wanted more directly than now, or to point out more distinctly who was to blame if they did not get it. At the same time he fully admitted that there were enormous difficulties in the way of bringing about the required reforms. No one wished the control of the army in a military sense to be brought into the House, because that control properly and constitutionally belonged to the Crown; and it would be probably one of the greatest misfortunes which could befal the army to bring its direction under the control of Parliament. But now that there was an officer of the high standing of a Secretary of State for War in the country, we had a right to expect that he would apply his powerful mind — and there was no one more competent for the task than the noble Lord now at the head of the department if he chose to devote himself to it— to drawing a distinct and intelligible line between the duties of his own office and those of the Commander in Chief, so that the respective branches of the service might clearly understand what their several duties were, and, in case of those duties not being performed, that the House might be able to come down upon those branches where there was default. It was quite impossible for any one who had paid attention to what had passed during the last two or three years not to see that somewhere or other there was a great want of arrangement and management. Almost a quarrel, he was about to say, was going on among the different parties, and perhaps none of them were at fault, but there was a disposition to shove the blame here and there; so that he did not think that anybody was able to say with respect to one single place that there was the fault. That was a state of things which must be most unsatisfactory to the country. That House never grudged large sums of money in the aggregate for the support of the military establishments, and under these circumstances the Government must not be surprised if the country complained, and complained bitterly, on hearing upon one day that officers in the army were not qualified by education for the higher duties of command, and on being told upon another day that such was the confusion existing in the arrangements of the different departments that nothing but bad results could ensue. Hearing such things as these he should not be surprised if the country said, "We are paying large sums of money, but we do not get our money's worth." It only required one powerful mind to arrange these matters and bring them into one harmonious mould. This was effected in other countries and might be done here. He hoped the House would get an assurance from the Government that this was a matter they were not indifferent to.

SIR JOHN TRELAWNY thought they did not go the right way to form efficient officers, and especially officers of the staff. He observed that in pay and emoluments aides-de-camp in the field got as much as brigade-majors and adjutant-generals of division, and hon. Members seemed to demur to this statement. He had his evidence in his hand to which he would refer. An assistant adjutant general of division has, per diem, staff pay, 14*s.* 3*d.*; a brigade major of a brigade ditto, 9*s.* 6*d.*; an aide-de-camp, 9*s.* 6*d.* Now, it is to be considered that by the regulations, a brigade major must be a captain, and that he is probably the hardest-worked staff officer of the three. He also is on the general staff, and does not live with the general, and therefore he pays for his own food. An aide-de-camp may be an ensign of two years' service. He lives with his general, and his keep may fairly be reckoned at 5*s.* per diem, which added to the staff-pay makes 14*s.* 6*d.* per diem, that is 3*d.* per diem more than the assistant adjutant-general, who must be a field officer, and who does not live with his general. The aide-de-camp's duty in our service is to gallop about, carrying messages, whereas the brigade-major has to superintend the formations and keep the rosters, and make the detail of duties, in fact, a most responsible office not to be compared to that of aide-de-camp. He believed he was right in saying that in the French service, before an officer could become an aide-de-camp, he must have served two years in the artillery, two years in the cavalry, and two years in the infantry, and was besides subject to a most severe examination. There was another point to which he wished to refer. He was informed that an officer, who had served during the period of the war in the office of the Minister of War, had retired with a retiring pension of £1,000 for less than two years' service in the department of the Minister for War. At present, being in command of an island, he did not draw his retiring pension, but as soon as he lost that appointment, which would happen in five years, he would draw it. At the same time he found from the Estimates that many an old general officer who had performed distinguished services in the field only got, on retiring, good conduct pay of £100. He could not understand, too, why an officer who sold out of the army to get the advantage of his commission should lose his good-conduct pay, while the officer who remained on half-pay retained it. He also stated that while the army was in the Crimea great evil arose from officers not attending to the duty of keeping the soldiers' pocket ledger in his own hand. It sometimes happened that the regimental books were lost, and then the soldier, on obtaining his charter of liberty, had only to produce his pocket ledger in the handwriting of his officer to get his pay. In this respect it were well that the regulations on paper were strictly enforced. Also, the rate with regard to the daily pay of men should be strictly carried out, as otherwise sergeants had a dangerous power of favouritism which tended to produce discontent. The imperative orders were to pay each man daily. The men, it is true, liked accumulations to grow up, so that they might have more money in hand at once. This was injurious to good discipline, and yet the rule had been systematically violated.

VISCOUNT PALMERSTON said, I wish, in the first place, to say a few words in reference to what has fallen from the right hon. Gentleman the Member for Coventry, though it is not perfectly connected with the main subject of debate, in reference to the subject of barracks. The right hon. Gentleman doubts whether there is not already ample barrack accommodation for the troops stationed in this country. I think he will find on examination that the barrack accommodation is scanty, and if we are to build new barracks, I do not think we could have a better situation than close to the ground which affords ample scope for the exercise of the troops. Take the instance of barracks in towns—there would probably be great difficulty in getting ground for the exercise of a single regiment, whereas at Aldershot there is ample space for the exercise of a much larger force than the troops now stationed there. If, unfortunately, we should be engaged in a war involving the defence of the country, the troops at Aldershot would be ready to reinforce the troops engaged in repelling an attack, and their place at Aldershot would be filled up by other troops who would be moved there. The subject brought under consideration by the hon. and gallant Member for Huntingdon (General Peel) is, undoubtedly, one of great interest and very considerable importance. I think, however, the hon. and gallant Gentleman is not quite aware of the present state of the arrangements with respect to the matters to which he has alluded. He dwelt very much on the confusion existing between the different departments in the early part of the war, as explained by the evidence taken before the Sebastopol Committee. He himself admits, however, that that confusion and the difficulties consequent thereon were remedied in the last year of the war; and the only observation he made on the conduct of the Government at home, with respect to that latter period, was that they had gone from one extreme to another, and that whereas in the earlier period the army was exposed to great suffering and privations from the want of many things necessary to the wellbeing and comfort of the men; in the latter period they were overwhelmed with supplies and comforts more than they wanted. He stated that if that army had had to advance into the interior of the country, and to carry on a war of movement, a great portion of the things they had with them in camp before Sebastopol must have been left behind. In the very next sentence, however, he gave a reason explanatory of that circumstance, because he said no analogy could be drawn between the condition of an army situated as our army before Sebastopol was, carrying on a siege, and not moving, and an army operating in a campaign and moving in the interior of a country from place to place. The Government at home, then, supplied the army according to the nature of the position in which it was placed; and as the army was not moving in campaign, but as it was stationary before Sebastopol, within reach of the sea and its supplies, the Government did furnish it with a great number of conveniences which it would be impossible to supply the army with had the scene of their operations been different or their position other than what it was. The House must recollect that when the war began our military departments were not in a satisfactory state. There were four different authorities — the Secretary for War and the Colonies, who conducted the political part of the arrangements, who determined on expeditions and on the general movements of the army; the Commander in Chief, who had the charge of the discipline of the army; the Secretary at War, who examined the accounts and regulated the finance of the army; and the Master General of the Ordnance, who, so far as regarded the artillery and engineers, combined the functions both of Commander in Chief and Secretary at War. Well, the first thing which was done was to separate the office of Secretary of State for War from that of Secretary of State for the Colonies, and that having been done a distinct department of Secretary of State for War was created. There still remained, however, the office of Secretary at War, under whose superintendence the financial arrangements of the army were placed; the office of Master General of the Ordnance, who performed the duties connected with the artillery and engineer departments; and the office of Commander in Chief, who, in conjunction with the Secretary at War, discharged the rest of the duties connected with the administration of the army. The Ordnance Department was however deprived of its head, the noble Lord who filled that office having been selected as a person of great experience and possessed of high military talents to take the command of the army in the Crimea. The consequence was that the Ordnance was left in a state of comparative inefficiency, inasmuch as the officer who exercised the chief authority in that department was absent, and was necessarily succeeded by officers who possessed a more limited control. That circumstance I think accounts satisfactorily for all those difficulties and embarrassments which occurred during the earlier stages of the war. I may also add that the Secretary of State for War had a new department to create, and that while that department was in progress of arrangement it was extremely difficult to deal efficiently with those various important questions in relation to the administration of the service which constantly arose. When my noble Friend Lord Panmure succeeded to the office, those arrangements were altered. The office of Secretary at War, which was vacated, much to my regret, by my right hon. Friend the Member for Wiltshire, was attached to the office of Secretary of State for War; the office of Master General of the Ordnance was abolished, and the duties connected with the Ordnance were handed over to the Commander in Chief, so far as related to the discipline of the corps of artillery and engineers, while its financial duties were transferred to the Department for War. Instead of four departments there now remained only two; and these two combine all the functions which were previously performed by the four, the result being great simplification in the transaction of the various duties connected with the army and increased efficiency and expedition in the performance of those duties. Well, the hon. and gallant Member for Huntingdon and those who have followed him upon the other side of the House have dwelt very much upon the expediency of establishing some distinct and positive line of separation between the duties which are discharged by the Secretary for War and those which are performed by the Commander in Chief; but I cannot help thinking that those who are at all accustomed to the administration of affairs must know that in the case of departments which are in their nature far more distinct than those of Commander in Chief and Secretary for War there constantly arises the necessity for communication between the one and the other and a mutual dependance one upon the other, in order that the public service may be efficiently carried on; and though a line of separation may be drawn as clearly and as distinctly as it can be drawn, yet you will find that the one department must from time to time avail itself of the assistance of the other. I may also state that we live in a country which is governed by Parliamentary arrangement, and it becomes therefore essentially necessary that no act of the Crown should be done in reference to which there should not be some responsible adviser who would be responsible and ready to explain to Parliament the reason why a particular line of policy was pursued. That being the case, it becomes at once perfectly evident that you cannot build up between the office of Secretary for War and that of the Commander in Chief a wall of brass which would entirely separate the two, rendering all communication between them, in matters in which either is concerned, impossible. The fundamental distinction between the two offices is, that the Secretary of State for War is responsible for everything relating to the political and financial arrangements of the army, while the Commander in Chief is primarily responsible for all which has reference to the discipline and promotion of the troops. It would, however, be a matter of impossibility to provide that those two heads of departments should not, without injury to the public service, hold constant personal communication with one another upon points which are intimately connected with their respective offices. The Commander in Chief, for instance, whenever anything occurs bearing upon the discharge of his own proper functions which becomes the subject of public comment, may derive considerable advantage from communication with the Secretary for War, and is undoubtedly entitled to take that course, just as any person in a particular administration is entitled to hold communication with a colleague even upon a point relating almost exclusively to his own particular department, but which may become matter of discussion, and with respect to which he may be able to obtain from his colleague assistance and advice which may be of considerable advantage to him in dealing with the question. In the same manner, when the Secretary for War wishes to carry out any particular arrangements with respect to the political affairs of the army, the employment of the troops or the financial administration of the army, he naturally communicates with the Commander in Chief, for the purpose of ascertaining how these arrangements might most advantageously be carried into effect. Draw, therefore, as you will upon paper any positive line of distinction between the officers in question, it is impossible that you can do so without interfering with that harmonious and confidential intercourse between the two, without which the military service cannot be efficiently administered. I am happy to be able to say that such is the nature of the communication which now subsists between my noble Friend at the head of the War Department and the illustrious Prince who holds the office of Commander in Chief. Nothing, indeed, can be more completely harmonious and confidential than their intercourse. Then, again, there is another principle which lies at the bottom of many of the difficulties which were experienced in the Crimea—of many of those difficulties which the hon. and gallant General the Member for Huntingdon represents as still continuing, although in a less degree, and which it is impossible altogether to overcome. The principle to which I allude is this—that in a great service like that of the army, in connection with which immense expense is incurred, and a great amount of stores and material of all sorts has to be provided, there must be a check placed upon the application of the money which may be voted for those purposes, and some means of ascertaining that it has been devoted to the accomplishment of the objects for which it was granted. In order to establish that check those accounts must be founded upon requisitions and receipts, because no system can be satisfactory in a financial point of view which dispenses with those written documents, the inspection of which alone will satisfy those before whom the military accounts are laid that the money voted has been properly laid out and the stores purchased applied to the uses to which Parliament intended that they should be directed. The hon. and gallant Officer the Member for Huntingdon says that each department ought to be complete in itself, and should possess entire control over everything which appertains to the functions which it is intended to perform. Now, I at once admit that it is quite natural that those officers who were examined before the Chelsea Commission and the Sebastopol Committee should have given expression to that opinion, inasmuch as they no doubt thought it expedient that that which they desired to do they should be enabled themselves to accomplish, and that they should be the sole judges of what the requirements of their particular departments really were. The hon. and gallant Officer, if I understand him rightly, endeavoured to show the inconvenience of a contrary state of things by a reference to the Army Medical Department, who, in case they wanted to send out medical stores and comforts, are compelled to apply to the Admiralty for a transport, instead of being in a position to go into the market and hire one upon their own account. I think, however, the House must see that if the power to do that were given to the Army Medical Department the whole service would be thrown into confusion, and everything like classification in that service would be thrown overboard. Now, there is, in my opinion, no principle which it is more essential to maintain than that which enables us to classify the duties of the respective military departments. The Admiralty is the department whose duty it is to provide transports, and if the Army Medical Board require a vessel they must apply to the Admiralty. But, if that Board and all the other departments were at liberty to go into the market to bid for transports against the Admiralty, the result would be that the price of the vessels would be raised, and that great additional expense would be entailed upon the country, and the fruit of this system would be inextricable confusion. Now, my noble Friend the Secretary for War has effected an arrangement which tends very much, if not completely, to obviate many of those inconveniences to which the hon. and gallant Gentleman the Member for Huntingdon has referred. He has, for instance, established a separate storekeeper's department; and, therefore, as was the case during the latter period of the Crimean war—the Quartermaster General or any other officer wanting certain stores is enabled to make a requisition to that effect to the Storekeeper General at any particular station, whose duty it is to take immediate steps either to issue the stores asked for, if he has them, or to provide them in case they should not be at the time in his possession. That officer, I may add, is responsible for the care and the distribution of those stores; and the military officer in need of them has nothing to do but to make application to be supplied with them in the manner which I have just described. The House then, I trust, will perceive that it is exceedingly difficult to draw that complete line of separation between particular departments which some hon. Gentlemen wish to see established. My noble Friend, I may farther state, is engaged, in concert with the Commander in Chief, in endeavouring to carry out the various arrangements which are necessary, in order to render, as complete as it is possible to make it, the distribution of business between the departments over which they preside. It was stated—I think by my right hon. Friend the Member for Coventry—that the Commander in Chief within the last few days seemed to have some hesitation in stating with whom it rested to make certain arrangements in connection with the subject of education in the army. Now, I may in reply to that observation remark that such hesitation was the natural result of the present state of the question. A council has been appointed, of which the Commander in Chief is the president, for the purpose of preparing a plan for the education of officers. That plan has not yet been completed, and upon its completion must of course depend the decision of the question with whom the arrangements with respect to military education rest. Now, the manner in which aides-de-camp are appointed in our army has been very much dwelt upon by the hon. Baronet (Sir J. Trelawny), and the example of foreign armies has been referred to in order to show that officers are not appointed to the post of aide-de-camp abroad unless they have previously done duty in different departments of the service. It ought, however, to be borne in mind that an Order was recently issued under the operation of which no officer can, after the expiration of this year, be appointed aide-de-camp unless he has previously passed an examination showing that he possesses a competent knowledge of those different branches of the service which relate to the duties which in his new position he may be called upon to discharge. I quite concur with the right hon. Gentleman the Member for Oxfordshire in the opinion that it is undesirable that matters connected with the discipline of the army should be discussed in this House, because, as he very properly remarked, the result must be the adoption of a course exceedingly inconvenient with regard to the conduct of the business of the House, and calculated to prove very detrimental to the discipline of the army. It is, however, impossible so to limit discussion in this assembly that questions should not now and then arise in reference to the administration of the army, with respect to which it would be desirable that somebody here should be in a position to give an explanation. Now, the Commander in Chief has not a seat in this House, nor is he represented here by any officer belonging to his particular department. The representative of the War Department among us is my hon. Friend the Under Secretary, whose chief sits in the other House of Parliament; and in order that they should be enabled to satisfy their respective Houses that any subject which might be brought forward for discussion was one with which neither House ought to deal, or that no injustice had been committed in a particular instance which some noble Lord or hon. Member might deem it to be his duty to bring before Parliament on the ground that a grievance in connection with it existed—in order, I repeat, that they should be enabled to give the necessary information upon those points, it is necessary that they should be in constant and confidential communication with the Commander in Chief. There is no document at present which could be laid before the House which would meet the views of the hon. and gallant Officer the Member for Huntingdon; but if in the course of the arrangements which are being carried into effect between my noble Friend the Secretary for War and the Commander in Chief it should be found practicable to frame any single document that would answer the hon. and gallant Officer's purpose, there will, of course, not be the slightest difficulty in laying it upon the table of the House. With respect to the duties of the different military departments, I apprehend the gallant Officer must be aware that the "book of Regulations for the Army" contains all these directions in relation to the duties of those departments which would enable officers to acquire all the necessary information upon that head. I can only say in conclusion, that in my opinion, in a constitutional country like this—with a Parliament which has a right to inquire into all those transactions in connection with the army in regard to which its Members may not think that the Crown has been properly advised, and which will exercise that right—it would be absolutely impossible to draw an impassable line of distinction between the two departments now particularly under our notice, or to lay it down as a strict rule that the chief of either department should not confer with the head of the other upon a matter intimately connected with the efficient administration of both. The good of the service requires that the most harmonious co-operation should subsist between the two, and I must repeat that such co-operation never existed in a higher degree than at the present moment between my noble Friend the Secretary for War and His Royal Highness the Commander in Chief.

MR. STAFFORD said, that the present discussion must recall to the minds of those who had watched the progress of events since the commencement of the war in the Crimea, as well as the debates of the last two or three years, the power and foresight by which the speeches delivered by Earl Grey in another place were characterized. The warning, it was true, which those speeches conveyed had been disregarded; but as time rolled on that House and the country must have felt how great were the advantages which might have been secured if the advice of that noble Lord had been taken. He would not trespass upon the time of the House by reading extracts from the speeches of the noble Earl, but in order to show how completely his prophecies had been fulfilled he (Mr. Stafford) should recommend to the serious attention of the House the speeches which the noble Lord had made, not only when Secretary for War—during which time he had rendered more essential service to the army than, perhaps, any other person who had filled that office—but from the first outbreak of hostilities with Russia until the close of last Session. Having paid that tribute to the noble Earl, he might say that it had for some time been evident that dissatisfaction prevailed in military quarters with respect to the working of the War-office and the Horse Guards. It was complained that with the present divided authority — an authority from post to pillar, if he might use the term—it was impossible to ascertain to which department the responsibility of a particular act attached. The noble Lord at the head of the Government had most justly observed that confidential communication ought to exist between two Members of different departments; that communication, for instance, must be permitted to subsist between the Admiralty and the War-office; but it was in his (Mr. Stafford's) opinion extremely desirable that, while such was the case, the public at large should be in a position to know at whose door the responsibility of a particular act was to be laid. The noble Lord had also stated that, while the Secretary of State for War had had the political and financial departments of the administration of the army under his control, that department which related to promotion and discipline was under the direction of the commander in chief; but, so far as he (Mr. Stafford) could learn from the tone of the debate, some hon. Members entertained, in reference to the latter point; opinions somewhat at variance from those to which the noble Lord had given expression. He had, however, risen chiefly for the purpose of correcting what appeared to him to be a misrepresentation upon the part of the noble Lord upon some remarks which had fallen from his hon. and gallant Friend the Member for Huntingdon. The remarks to which he alluded referred to the medical department of the army, and the noble Lord had mistaken the meaning of his hon. and gallant Friend in supposing that he intended to propose that the Director General of the medical department should be invested with powers to go into the market and freight a vessel for himself with those drugs and medical comforts which he might deem it expedient to send out to our army when engaged in a foreign country. What his hon. and gallant Friend desired—and he (Mr. Stafford) thought very justly—was, that a transport for the conveyance of drugs and medical comforts for the army should be placed at the disposal of the Director General of the medical department when such drugs might constitute mainly the cargo of the vessel. In illustration of the advantages which might result from the adoption of that suggestion, he might remind the House that a vessel having on board the medical comforts of the army had during the late war been sent out to Scutari, but that a large supply of shot and shell having been placed over those articles, the vessel was unable to unship them at Scutari, and the result had been that they had been subsequently completely lost in the Black Sea. Now, if a different arrangement had been, and if the medical department had been allowed to freight a vessel of their own, so serious a disaster would not in all probability have occurred. If the Government were to say to the Director General that they were ready to place a vessel at his disposal, which he might send out upon his own responsibility, with his own supercargo, and under the obligation of immediately reporting its arrival at its destination, the result might be found to be extremely satisfactory, while, at all events, the system was one entirely different from that of allowing the Director General to go into the market himself for the purpose of hiring a vessel. He could not resume his seat without stating that he had never heard the noble Lord address the House upon the subject of army reform that he did not feel that the heart of the noble Lord was in the service. How those who were more immediately connected with the War Department might obstruct the noble Lord in carrying out his views he could not say, but he felt assured that for any improvements in the administration of the army which had taken place the country was mainly indebted to the noble Lord's exertions.

Mr. BAILLIE said, the hon. Baronet (Sir J. Trelawny) had mentioned the case of an officer who had lately retired upon a pension of £1,000. From the description the hon. Baronet had given, he presumed he alluded to Colonel Mundy, who had received the appointment of Governor of the island of Jersey. He hoped the Under Secretary for War would explain whether Colonel Mundy had had that pension conferred upon him, and, if so, by whose authority it had been conferred.

Mr. LINDSAY hoped that the Government would not assent to the proposal of the hon. Member (Mr. Stafford) to place a transport at the service of the medical department. The truth was, that all the evils they had had to deplore during the late war were caused by the meddling of departments; whereas, the proper course would have been for those departments to report to the Admiralty what they wanted, and to leave to the Admiralty the responsibility of shipping and delivering the stores they required. Suppose, when the soldiers were dying for want of medicine, a ship freighted with drugs alone were to be lost. The proper course was to send out medical comforts as they were required, and not to run the risk of sending out a shipload of them, as the hon. Gentleman had recommended.

Captain VIVIAN said, he must complain that the observations he had made on a former night relative to the camp at Aldershot had been misrepresented by the noble Lord at the head of the Government. He begged to say, that he quite approved of the purchase of Aldershot, while as to the pecuniary part of the question, he was willing to take the word of the noble Lord. Neither did he object to the massing of troops during the summer months. What he objected to was, that what was intended to be a camp should become a military town, for if once the Government began to build large barracks, they would do away with the original intention of the establishment of Aldershot. At present, it was by no means a practical camp, but was more like a squatters' village, and soldiers had no opportunity of learning field duties there. It had been drained and improved by contract, and the soldiers had not turned a sod, with the exception of some field works, which, in the first instance, he had thought were executed by contract, but which he had since found were partially made by some regiments of militia. The other night a letter was read from a gallant general with regard to the teaching of military drawing and the like; but it had struck him as surprising, that only six officers should attend the classes. He had been informed that six applications had been made from one regiment, and that they had been declined. Two of the regiments were about to be sent under canvass to another part of the heath; but a body of engineers had been sent to dig wells and to prepare the ground for them. In short, the whole system of Aldershot was one of parade rather than of practice. With regard to the responsibility and duties of the various military departments, he thought the army greatly indebted to the hon. and gallant Member for Huntingdon (General Peel), for having introduced that subject to the attention of the House; and he hoped the noble Lord at the head of the War Department, and the Under Secretary for War, would take steps to remove the want of harmony which now existed, and that such a reform would be introduced in our military system as would ensure to all ranks and classes, from the general to the soldier, equal chances of success in the profession they had made their choice. He did not mean to attack individuals, when he spoke of a system which had been engrafted on our military system, and had at last become really part and parcel of it—he meant the system of favouritism. Until that was abolished, he believed there was no hope of introducing any method of education into the army, or encouraging our officers and men to strive to improve themselves in the different branches of their profession. When a man knew that it was connection, not competency, which ensured success, he would not struggle. The time had arrived when reforms were about to be introduced into our military system, and he hoped that, among other things, this subject would be taken into consideration, and that in future we should find that all the ranks in the army had an equal chance of promotion according to their merits.

Colonel GILPIN said, that he had thought, after the full and able statement of General Knollys, which had been read to the House the other night, that an Aldershot discussion was at an end for the present, and had felt that it would have been presumptuous in him to have offered any remarks in corroboration of a Report upon such a subject from such a quarter. But as the matter had been again alluded to this evening, and he (Colonel Gilpin) had had the command of a militia regiment at Aldershot for five or six months, he would briefly mention a few facts which had come under his observation whilst he was there. So far from being a camp of luxury and indolence, military instruction and drill were always going on. In addition to the usual parades, and weather permitting, there were two field-days a week. The men, both of the militia and the line, were constantly practised in cooking their breakfast and dinner in the field, in route marching, outpost duty, brigade evolutions, and pontooning. Some of the men were placed under the Engineers' department to learn the construction of military bridges and other such duties. The soldiers had not only, when he was there, to pitch and strike their tents, but to occupy them too at a not very agreeable season in the year. With respect to the supply of water, if wells were required to be sunk, the Engineer department would have been the proper department to sink them; but no assistance was rendered by them, and the troops obtained water from the canal, and filtered it for their own use. It was true, the men were not engaged in field-works, but it was because they could not find time for field-works. The regiments being all newly raised, the men had to go through an extra quantity of drill; as many as 1,000 men were then engaged in filling ruts and levelling the ground. All that could be done was done. A more painstaking and efficient officer than General Knollys could not be found in the Queen's service, and it was perfectly marvellous to see what he did with the raw recruits, whom he turned, as if by magic, into good troops. He (Colonel Gilpin) was one of those who were responsible for the purchase of Aldershot, and he believed that there never was a better investment of the public money. For strategic purposes, he believed it was well selected, and for military purposes it was perfect. It contained a great extent and variety of ground—hill and dale, wood and water, and he felt some surprise at the objections now urged, when he remembered how the Government, night after night were urged, to get some place in which large bodies of men could be moved together. But then it was said, Aldershot was disagreeable, and that the men disliked it and deserted. Now, the place was notorious for its sanitary advantages, and, as to desertion, he could only say, that during the five or six months his regiment was at Aldershot he had not lost a single man by desertion from the ranks. A great deal of volunteering was going on into the line, for his men said, if they were to do the work of the line, they might as well have its advantages. If he had been in the House, he should have supported the Vote asked for by the Government, for so far from being a failure, Aldershot had been in many respects pre-eminently successful.

LORD NAAS said, that there were unfortunately a great many petty offences committed in the neighbourhood of a camp; and the country naturally complained of the expense incurred in conveying the delinquents to and from the county gaol. He would ask, therefore, if it were the intention of the Government to establish a prison or bridewell in the neighbourhood of the Curragh camp?

SIR DE LACY EVANS said, that with respect to certain reports having reference to the site of Netley Hospital, and the alleged defects in the mode of ventilating that establishment, it would be better, if those reports were well founded, to abandon the scheme, notwithstanding the money that had been expended upon it.

MR. BUTT said, he wished to inquire whether the Government intended to act upon the Report of the Commissioners, who recommended that free places in Woolwich should be given to the two candidates who stood first at each entrance examination, and that the two next should pay only half the contribution which would otherwise be required from them? The adoption of that recommendation would encourage emulation, and thereby raise the standard of education. He would also ask whether any provision to carry it out would be made in the Estimates of this year?

SIR JOHN RAMSDEN said, the question put to him by the hon. Member for Tavistock (Sir J. Trelawny) related to the case of a gallant officer who had been civilly employed under the War Department, and was now governor of one of the dependencies of the Crown. The hon. Baronet asked what amount of pension that gallant officer would be entitled to at the end of his five years' service as governor; but he (Sir J. Ramsden) could not at present state what the exact amount would be. If, however, the hon. Baronet would repeat his question another time, he would take care to supply him with full information on the subject. With reference to the remarks of the hon. Member for Northamptonshire (Mr. Stafford), he hoped there was now no fear, under present arrangements, of the inconvenience to which the hon. Member had alluded again occurring. The hon. Gentleman had referred to the recommendation that the Director General of the Medical Department should have a transport under his authority for the special conveyance of medical stores. The omission of that provision might, and he believed did, lead to great inconvenience when the departments were divided into so many different heads. But now that they were brought together under one authority he thought there was not that danger, because it was naturally the duty of the Storekeeper General to consider what stores had to be sent out, and he would have to arrange with the Admiralty how the different transports should be loaded. There would not, therefore, be a danger of any omission such as there was when so many Boards had to be consulted before a conclusion was arrived at. As to the question of the noble Lord the Member for Cockermouth (Lord Naas) with regard to the Curragh camp, it was not the intention of the Government to establish a military prison in its neighbourhood. They believed that the existing arrangements were sufficient, and for this reason, that they intended to keep the Curragh as a camp of instruction for the summer only. Therefore there would not be that necessity to provide for the custody of offenders which would exist if the camp were kept open all the year round. With respect to the question of the hon. and gallant Member for Westminster on the subject of Netley Hospital, he could assure the hon. and gallant Gentleman that there was no intention whatever on the part of Government to abandon the building. There was every reason to hope that there was no foundation for the rumour that the situation was an unhealthy one owing to the amount of land that was left bare at low tide. On the contrary, a meeting had been held of the medical body in Southampton, and they had drawn up a report favourable to the locality. With respect to the report that the windows opened on a corridor instead of upon the open air, and thus rendered the wards unhealthy, he was informed that there were windows at either end of the wards, and that one opened on the corridor and the other into the open air. To the question of the hon. and learned Gentleman (Mr. Butt), whether it was intended to act upon the report of the commissioners of inquiry, recommending that free places in Woolwich should be given to the two who stood first at each entrance examination, and that the two next should only pay half contributions, he had to reply that it was not the intention of the Government to give effect to that recommendation, and their reason was, that they considered the prize which was held out to candidates to offer themselves for examination was already quite sufficient. That prize was, that, if they passed a good examination, they would in course of time obtain free commissions in the artillery or engineers.

MR. PALK said, that he would revert to the subject of Netley Hospital, as he wished to observe, that although it might be the opinion of the medical men of Southampton that the situation was salubrious, the medical men of other districts might entertain a different opinion, and think that, though it was a salubrious place, it was not the most salubrious. But as these reports had been very extensively circulated, and were likely to be productive of very great injury to the patients, through the fears which such reports excited, he would venture to suggest to the Government that it would be by no means a bad thing if they sent down certain of their military physicians to make a report as to the salubrity of the site in question.

MR. TITE was understood to state that the system of ventilation introduced at Guy's Hospital had been found to answer exceedingly well.

GENERAL WYNDHAM said, he would beg to call the attention of the Government to the injustice which he conceived was done to those officers who were compulsorily placed on half pay. It was the system at present to put them on the regiment again at the bottom of the list; whereas he thought it would be no more than fair that those who had served and been forced into half pay against their will should be replaced in the regiment in the same position they would have filled had they continued in the service.

SIR FREDERICK SMITH said, he wished to observe, with reference to the remarks of the hon. and gallant Member (Captain Vivian), that well-digging was a distinct calling, and was not unattended with danger to those who did not understand it.

He thought, therefore, that it was quite right that the task of forming them should be entrusted to the sappers and miners. With regard to the classes for instruction in military surveying, there were already twelve officers at Aldershot engaged in teaching that, but he would recommend the Under Secretary for War to increase their number, as the applications for instruction in that branch of education were more numerous than could be attended to. The suggestion to establish a camp at Aldershot proceeded from the late Lord Hardinge, who thought it was a very good position from which to despatch troops to various parts of the coast in case of attack.

SIR HENRY WILLOUGHBY wished to know if the civil establishments of the army were under regulation or not. On the 6th of June, 1855, an Order in Council for regulating them was adopted, and laid upon the table of the House; but he had some reason to believe that that scheme had been revoked and another substituted for it by another Order in Council which had never been furnished to the House.

MR. NEWDEGATE had heard much of the great difficulties connected with the civil departments of the army. Those difficulties, he understood, arose from the circumstance that there was no definition of the responsibility which rested upon the heads of the different departments; and there were no means by which the House could ascertain who was responsible for the performance of the duties of the several establishments connected with the civil service of the army. He hoped that before long the noble Lord would be in a position to furnish the House with the details of the contemplated scheme, so that hon. Members who took an interest in the service might know upon whom the responsibility for those establishments rested.

Subject dropped.

THE NATIONAL SURVEY.

OBSERVATIONS.

SIR DENHAM NORREYS said, he intended to raise a discussion on the following propositions:—

> "1. That the Survey of Scotland, on the scale of twenty-five inches to the mile, be discontinued;
>
> "2. That the Survey of Scotland be carried on, as it has been in Ireland, the Northern portion of England, and a large portion of Scotland, on a scale of six inches to the mile, and that it be engraved on that scale:
>
> "3. That a Map of Scotland, on a scale of one inch to the mile, be also reduced from the six inch map for engraving and publication."

Owing, however, to the forms of the House, the Motion with which he should conclude, would be, that the Vote be reduced by £36,000. Hon. Members should understand that they were about to vote to-night on the question whether the 25-inch survey for Scotland should or should not be continued. This was a most important question; it was a question involving no one knew how many millions of money; and yet it had never been adequately discussed in that House. The original design was to survey the whole of the United Kingdom on the scale of six inches to the mile, and to publish also for general purposes a map of the scale of one inch. In 1851 some Scotch gentlemen thought fit to be dissatisfied, and they moved for a Committee. The result was a recommendation that the six-inch survey should be discontinued. That produced great dissatisfaction, and a list of questions were sent out, to which 130 answers were received in favour of a map on a scale as large as possible, and thirty-eight in favour of a smaller scale. The Government then appointed three gentlemen to report on the subject, and they appeared to have formed their opinions by counting the number of answers on either side; but in point of fact the opinion of one practical man who had used, and could speak from experience of, the 6-inch map, was worth that of fifty or a hundred who had no practical knowledge of the subject. In 1856 there was a discussion in Committee of Supply on the question; but no notice was given, and there was no trace of any division in the journals of the House. The right hon. Member for the University of Oxford (Mr. Gladstone) estimated that the 25-inch survey would entail upon the country a charge of £4,000,000 or £5,000,000, adding that he doubted whether a tenth part of those who had voted on the subject knew what the question was, or the extent of the expenditure into which they were plunging the country. After such a statement from so high an authority, he thought he was justified in utterly denying that the sense of the House had been properly taken upon the subject. He believed that no country in the world possessed more beautiful maps than those on the scale of six inches to the mile possessed by parts of Scotland. The Irish maps on the same scale bore no comparison to them in point of clearness and of use. They showed every ditch, the smallest fence, every bridge, every stream, marked out the garden walks in a gentleman's domains, and actually gave the position of the pumps; and yet the Scotch gentlemen were not satisfied with maps of this accuracy and minuteness, but asked for others on a scale of twenty-five inches. Now, he could conceive nothing more monstrous than a proposition of this kind. The Chancellor of the Exchequer had referred the consideration of this question to a Committee, and nine members had voted for the 25-inch survey. On this Committee of fifteen there were no fewer than ten Scotchmen, while there were only five English Members, one of whom (Captain Laffan) was unable to attend in consequence of official duties, and of the nine Members who had voted for the Report, eight were Scotch Members. Now, he challenged the composition of this Committee as being most unfair, and he could by no means understand how it was that the Chancellor of the Exchequer and the Government should think it a matter of duty to adhere to their decision. The thing was altogether so absurd that he was surprised the noble Lord below him (Lord Elcho) should refer to the Report of this Committee for the guidance of the House. He had a high opinion of the personal honour of the Scotch, but surely, in considering a question involving to such an extent their own interest, there ought to have been more than five English Members upon this Committee. He (Sir D. Norreys) therefore called upon the House to intercept this vast expenditure. Colonel Hall, who for many years was the director of the survey, said the time and cost attending the 24-inch scale (at that time proposed) would be so enormous compared with the 12-inch scale, that he thought the larger survey ought not to be adopted unless it could be shown that great advantages would accrue therefrom. The gallant officer went on to say that the estimates laid before the Committee showed that the 24-inch scale would cost 2*s.* per acre, and the 6-inch survey only 1*s.* per acre. The Irish survey at present had cost about £946,000—that is in round numbers a million—but as not more than four-fifths of it had been completed, its total cost would probably be £1,200,000. Scotland, upon the same scale, would cost as much, but upon the 25-inch scale, if they took Colonel Hall's calculation of 2*s.* an acre, the expense would certainly be not less than £2,000,000. But if Scotland were to have a beautiful map on that large scale, England would, no doubt, demand a similar map, the cost of which would be about £4,000,000; and Ireland, of course, would not be satisfied, unless she also had a survey made upon the same enormous scale. He now approached the most difficult part of his task, which was to prove that Scotch gentlemen did not know their own interests. He held that, as a general rule, a great map was a great evil, and that if you could get what you wanted on a small scale it was infinitely preferable to a large one. For example, the 6-inch maps which had been published contained 15,360 acres on a sheet, laid down with such accuracy that an estate could be measured on them with the utmost nicety. A gentleman, therefore, with an estate of 4,000 or 5,000 acres in extent, the usual size of a moderate estate in Scotland, would find the whole of it upon one sheet; but if the 25-inch scale were adopted a sheet would not contain above 800 or 900 acres, and as by some ill-fortune the boundaries of property were sure to fall irregularly, he would have to purchase seven or eight sheets in order to have a complete map of his estate. The Chancellor of the Exchequer usually so measured in his language, had said, that upon that scale the map of Scotland would be about as large as Westminster Hall. That would be the standard map; but as it would be utterly useless for most practical purposes on account of its immense size, it was proposed to reduce it by mechanical means to a scale of six inches to the mile, and that again was further to be mechanically reduced to a scale of one inch to the mile. Professional men, however, agreed that no map could be perfect unless it were laid down directly from the field-books of the surveyors; so that in the case of Scotland there would be the standard map, too large and cumbrous to be of practical utility, and two smaller maps, which would not be correct owing to the difficulty of reducing with perfect accuracy by mechanical means made from the original survey. The Committee of 1856 suggested that a map on the large scale would be useful for the registration of titles. He contended that a 6-inch map would be abundantly sufficient for this purpose. He stated this on the authority of Mr.

Griffiths, the director-general of the Irish survey, and Mr. John M'Neil, an eminent civil engineer, who had told him (Sir D. Norreys) the other day that he had laid out hundreds of miles of railway by the 6-inch map, and that he had made two purchases of estates, one to the extent of £8,000 and another of £3,000, in which he had been entirely guided by the 6-inch map, which was more accurate than the local surveys. Then there was the case of valuations. But Mr. Griffiths's evidence was, that all his valuations, down to half an acre, were made upon the 6-inch map. Below half an acre he did not like to go, in consequence of the shrinking of the paper on which the maps had been printed. Another advantage expected was the adjustment of civil and ecclesiastical boundaries. It could not be affirmed that the 6-inch scale was not accurate enough for this purpose, or for inclosures of waste lands, for it had been extensively used for such purposes in Ireland. Another point was for sanitary purposes. What this meant he (Sir D. Norreys) did not know. The same might be said of the next head, that of statistics. Then there came Parliamentary purposes — railways. Why, every engineer in Ireland had said six inches were amply sufficient for his purposes; and it was received as such by Committees of the House. Then there was geology. Every one was in favour of the country possessing a good geological survey; but what did Sir Roderick Murchison say—the person who directed the survey? "For Heaven's sake, give me a 6-inch survey; I can do nothing with the 25-inch map." Then came another object for which the 25-inch map was supposed to be useful — military and purely scientific purposes. This heading was equally unintelligible, or at least he was not aware what objects for statistical and military and scientific purposes could be attained by a 25-inch map which would not be as well attained by a 6-inch map. Another question was, whether so large a map as a 25-inch map was required for the registration of titles. The whole tenor of the Report of the Commissioners was unfavourable to the employment of maps as absolutely necessary for purposes of registration of title, on the contrary, they looked upon them as mere accessories; and that opinion was founded upon the evidence of men of experience like Mr. Vincent Scully, Mr. Brewster, and other gentlemen who possessed considerable knowledge of the subject. How could any map be properly said to be connected with registration unless a copy was appended to the deed of purchase? Now, the map on the 25-inch scale would be too small to be useful in that respect for small properties, while it would be too large for large estates. The plain fact was, that to attempt to make a national map on any scale which should be available for all purposes was simply an impossibility. The noble Lord the Member for Tiverton (Lord Palmerston) would no doubt this evening say, as he had said on a previous occasion, that he could understand the House objecting to any survey, but that he could not understand its agreeing to an imperfect survey. Now, an antithesis like that very often produced an effect in that House, but he would ask the House to consider what was really meant by the expression a perfect map, because no map could be perfect for all purposes. A high authority, the hon. Member for Whitby (Mr. Stephenson), although a Member of the Committee, said he did not agree with one word of the Report of the Committee of 1856, but that he was unable to attend to oppose it through indisposition. In an outlay involving so many millions he thought the House ought not to throw overboard such an opinion as that of the hon. Member for Whitby, and he trusted that they would not sanction such a monstrous expenditure in order to give the Scotch gentlemen a plan of their estates, which would, after all, be found a very inconvenient one. Let them follow the advice that had been given them by the late Chancellor of the Exchequer (Mr. Gladstone) and intercept this monstrous survey as soon as they could. He had taken great pains to obtain information on this subject, and he warned the House against being deluded by statements that by means of the anastatic and photographic processes they could have maps for nothing; those processes were worthless for giving accurate and correct maps, which could be used as standard maps. He hoped the House would be on its guard against all statements about these new and cheap processes. He regretted he was not able to put the Motion in the form in which it stood on the paper, but in the form of striking out a certain sum from the Vote about to be put. His first intention was to move to reduce the Vote by £1,000, but on further consideration he had thought it better to strike out the whole of the sum put down for the Scotch survey, so that the Government might bring on the Vote in the form of a supplementary Estimate, when hon. Members would have an opportunity of stating what scale they wished to see adopted. He would therefore move that the sum of £36,000 be struck off the Vote.

Amendment proposed "to leave out £151,744, and insert £115,744, instead thereof."

Viscount DUNCAN said, that so far from objecting to the Motion of his hon. Friend, he thanked him for calling attention to a subject which was of the very greatest importance. No one was more anxious than himself that the question of this Ordnance survey should be perfectly sifted, and he concurred with his hon. Friend that this ought not to be discussed as an English, Irish, or Scotch question, but as a national survey, and, as such, of general interest to the whole kingdom. He hoped he should be able to show that this survey was necessary in order to place Scotland and the northern parts of England on the same footing as Ireland. His hon. Friend found fault with the Scotch gentlemen because a few years ago a Committee recommended a 6-inch survey, and then, in 1856, a Committee, not composed exclusively of Scotch Members, recommended a 25-inch survey. His hon. Friend charged it upon the Scotch Members that they attended the Committee too regularly. Now, seeing the very great interest his hon. Friend took in this matter, he regretted that he had not attended on many previous occasions, and more especially when the Report of the Committee was discussed in the last Session of Parliament. A great portion of the expense had now been incurred, and after a number of the Scotch counties had been surveyed his hon. Friend rushed in and attempted to induce the House to change its determination. But he (Viscount Duncan) trusted that the House would hesitate before they adopted the suggestions of the hon. Baronet, as the effect would be to plunge them into a mass of confusion with regard to these surveys. The survey of the United Kingdom was commenced in 1784 on a scale of two inches to a mile, the survey being published on a scale of one inch to a mile. That survey was continued from 1784 to 1828, when it was suddenly interrupted by the appointment of an Irish Committee, of which Lord Monteagle was the chairman, who recommended that the survey of the United Kingdom of England and Scotland should be stopped, that a new survey should be commenced in Ireland, and that it should be on a scale of six inches to a mile. The result of that Committee was that the survey in Scotland was actually stopped from 1829 to 1840, during which period the Irish survey was conducted, and very properly conducted, on the 6-inch scale. Ireland was divided into about 60,000 town-lands, and it was thought that the 6-inch scale would be best adapted to the wants of that country. He agreed with the hon. Baronet that the experiment in Ireland was eminently successful, and the Commissioners who sat on the subject of the registration of titles spoke of the 6-inch survey as one of the most valuable practical measures ever carried out in that country. When Ireland was completed, the survey was resumed in Great Britain, and it had been continued not only in Scotland, but also in the northern counties of England. The whole county of Durham and parts of Northumberland had been surveyed on the 25-inch scale, as well as most of the cultivated districts of Scotland, Cumberland and Westmoreland had also been drawn on the same scale. As the 6-inch scale had proved to be so well adapted to the town-lands of Ireland, so the 25-inch scale was deemed well adapted to the parishes of Scotland. The hon. Gentleman had sought to alarm the House in respect to what he called "gigantic maps;" but the fact was that the survey on the 25-inch scale had been confined to the cultivated districts; the uncultivated parts of Scotland were to be surveyed on the 6-inch plan, and the maps were to be published on the scale of one inch. Practical surveyors knew that although a scale might easily be reduced it could not be increased. In this case the large scale was used merely for the purpose of the survey. The engraved map would be on the 1-inch scale, and it was being produced as speedily as possible. It never had been intended to engrave on the 25-inch scale; but it had been ascertained that when the survey was once taken the drawn plans could be easily reproduced by the anastatic process, and the sale of thirty copies would repay the whole expense. The sale commenced only five months ago in

Linlithgowshire, and seven copies of the 25-inch maps had already been sold in that county. The history of the Scotch survey was somewhat singular. When the Irish survey had been finished the survey of the southern counties of Scotland was commenced on the 6-inch scale, and six or seven counties had been completed when a Committee was appointed to consider whether the map should be published on the 6-inch or the 1-inch scale. The Committee reported against the 6-inch scale, and orders were afterwards issued to reduce it to one inch; but in 1852 representations were made by the Royal burghs, and by the mining and other interests, praying for a return to the 6-inch plan. Lord Derby's Government gave directions that the county of Fife (then in course of being surveyed) should be conducted on the 6-inch scale. This continued up to 1853, when the noble Lord the Member for Haddingtonshire (Lord Elcho) filled the office which he (Lord Duncan) now held. That noble Lord, who deserved great credit for his endeavours to supply what every other country in Europe possessed—namely, a survey on the scale that would be the most generally useful, issued a circular to various scientific bodies, inviting opinions as to the best scale to adopt for a national survey. The answer given in the large majority of instances was favourable to the 25-inch scale. Sir J. Burgoyne, Mr. Rendell, and Mr. Blamire were then employed by the Government as a Commission to investigate the subject, and they reported unanimously to the same effect. Experiments were then made in Ayrshire and Dumfriesshire upon the 25-inch scale, and they proved highly satisfactory. He (Lord Duncan) then succeeded to his present situation, when he brought the whole matter before the House, and another Committee was appointed. Seven members of that Committee voted in support of the 25-inch scale, and only two against it. The entire question was subsequently discussed in a pretty full House, and the Report of the Committee was approved by a majority of ninety-one. The estimate of the present survey of Scotland, which Colonel James laid before the Committee, was £300,000 less than the Irish survey had cost, and that gentleman now found that his estimate was higher than the actual cost, for the survey was proceeding at a cost of 11¼*d.* per acre in the cultivated districts, and 6½*d.* in the uncultivated districts, whereas his estimate was 1*s.* and 7*d.* respectively. The Scotch survey would cost altogether £989,000. It was estimated that the engraving would cost 1*d.* per acre, but the actual cost was only ¾*d.* The survey during the last year had given great satisfaction — 1,400,000 acres having been actually surveyed on the 25-inch scale during that period. In fact, the greater part of the cultivated portions of Scotland had been surveyed, and he had received communications to the effect that the landowners were quite satisfied with the mode of the survey. The whole of the district between the Tay and the Clyde had been surveyed, and he submitted that it was not worth while, now that the uncultivated portions only remained to be surveyed, to interrupt the survey. The interruptions which had already been made in the survey of Scotland had rendered useless at least £50,000 of the money already expended. If the hon. Baronet's motive in objecting to the present survey was economy, he could assure him that the public would not gain much if he succeeded in his object, because the difference between a survey on a 6-inch scale and a 25-inch scale was only about £50,000. The 1-inch scale had not been found to be very successful in England. The Tithes Commutation Commission desired to have a more correct map, and expended £2,000,000 upon a survey like that now being carried on in Scotland. He hoped, therefore, that, for the sake of economy and public utility, the House would now determine once for all that the survey of Scotland should be completed uninterruptedly on a 25-inch scale. Imputations had been cast on the proprietors of land in Scotland in connexion with this survey. It was said that their object was to get their estates surveyed at the public expense on a scale so large that it would serve their own purposes. But those imputations were unfounded. Many of the Scotch proprietors had already surveyed their estates at their own expense. It was only from a belief that the 25-inch scale would be for the benefit of the public that the Committee had recommended it, and he trusted that the House would adhere to the decision to which it had already come.

Sir WILLIAM JOLLIFFE said, he thought that the hon. Baronet (Sir D. Norreys) was entitled to the thanks of the Committee for having introduced this subject at a very opportune moment. He regretted, however, that he could not support the hon. Baronet's Motion either as it was upon that paper or in the shape it was forced to assume according to the forms of the House. He did not object to Scotland being surveyed as satisfactorily as the other portions of the United Kingdom, but he did object to Scotland being surveyed on a scale that would not prove to be satisfactory to the country, and such he thought a 25-inch scale survey would be, notwithstanding the arguments of the noble Lord (Viscount Duncan) opposite. He was anxious that the whole of the United Kingdom should be surveyed in the most economical manner and upon the most efficient scale. The 6-inch maps had been found sufficient for the purposes of tithe commutation and for poor-rate valuations, as also, he believed, for what they were threatened with—the registration of property. The fact was, however, that notwithstanding £2,000,000 of money had been spent in England, they were still where they were in 1784, and might be called upon to-morrow to spend another £2,000,000 for registration purposes. Under these circumstances he would press upon the noble Lord at the head of the Government the necessity of changing the present system of survey. The populous and cultivated districts of Scotland had been surveyed, but he hoped the Highlands would not be finished before Warwickshire, Staffordshire, Somersetshire, and other places. They ought not to survey the Hebrides in preference to such districts. The island of Lewis had been surveyed, though he believed the gentleman to whom it belonged had paid the whole or a portion of the expense; but whether this was so or not, he thought it a dereliction of duty to let Lanarkshire wait until Lewis was surveyed. The principle ought to be adopted of first attending to those districts in which the demand for maps was likely to be greatest. It would be instructive, for the purpose of showing the relative value of the survey, if the noble Lord would lay upon the table a return of the sale of maps in the populous districts and the sale in the island of Lewis. The 6-inch scale had been found sufficient for Lancashire and Ireland, and he hoped the Government would speedily give us the same useful survey of all England.

The Earl of GIFFORD said, that he would support the Motion of the hon. Member for Mallow, for the purpose of getting rid of the 25-inch scale, but not for the purpose of putting the 6-inch scale in its place. He had read the two bluebooks published on this subject, and he had come to the conclusion that this 25-inch scale ought never to have been commenced, and that the sooner it was abandoned the better. No doubt it would be very beneficial to the landlords of Scotland, but if they wanted a map upon this scale they ought to pay for it themselves. All practical and scientific men united in agreeing that a map upon such an immense scale was of no use whatever to the public at large, whether for geographical, geological, or any other purposes. He had calculated that the map of Scotland taken upon the 25-inch scale would be 250 yards long, would require a very extensive field to contain it, and a large telescope to inspect it and read the names at the other end of it. He would ask the House to compare the rapid and efficient system of surveying carried on in India with our comparatively slow and unsatisfactory progress at home, as instanced by the case of the Punjab, the survey of which, for revenue purposes, was conducted in the most rapid manner, after its annexation, by his friend Colonel Waugh, the present Surveyor General of India, and it was now almost completed. It was said that it would be easy to reduce a map on the 25-inch scale to another on the 1-inch scale, but if all this time were occupied in making the original map, and then another must be produced before the public could use it, at the present rate of progress none of them were likely to live long enough to see the completion of the Scotch survey. He hoped that the hon. Member for Mallow would press his Motion to a division, in order that they might see whether an end could not be put to this job—for so he must characterize it—this reckless expenditure of the public money, which, however advantageous it might be to the landowners of Scotland, who were alone interested in it, could be of no earthly use to the tax-paying public of the United Kingdom.

Mr. HENLEY said, the noble Lord (Viscount Duncan) need not have made any apology for not being a practical man, because no one could have brought forward the more salient points of his case in a more lucid manner than the noble Lord had done. The noble Lord warned the House against departing from the present system of survey, and said that the very raising of this question would cost something like £50,000 to the country. Well, that was a staggering assertion, and one that made them inquire as to how such a result could happen. The noble Lord had given a general history of the survey of this country, and he said that England had remained quiet, and had accepted the survey of her counties on a 1-inch scale. But in 1828 in rushed Ireland, and not being content to be treated in the same way as England, she got a survey on a 6-inch scale, which was said to answer admirably there, and he had heard that it was a very useful one. After Ireland had succeeded, Scotland went in for a 6-inch scale, but some evil genius arose and said that as Ireland had got the 6-inch scale, Scotland should have an increase from a 6-inch to a 25-inch scale. This it was that led to discussions in that House and the loss of £50,000 to which the noble Lord had alluded, but that was because the Scotch gentlemen were not content with a 6-inch scale. Among other objections which were made to the 25-inch scale, it was said by the noble Lord (Earl Gifford) that it never would be completed, and that was certainly an inconvenience. With regard to the expense, the noble Lord (Viscount Duncan) said that the estimate of the expense made by Colonel James was so accurate, that whereas the estimate was 1*s*. an acre, the survey had been executed for 11*d*. and a fraction, and in the districts in which the 6-inch scale was adopted the expense had been calculated at 7*d*. an acre, it had been executed at 6*d*. and a fraction. There seemed to be some confusion here in the noble Lord's figures which required explanation.

VISCOUNT DUNCAN said, what he stated was this, that the cultivated districts would cost 11*d*. and a fraction an acre on the 25-inch scale, and the uncultivated districts would cost 6*d*. and a fraction an acre on the 6-inch scale, which would be the only one applied to uncultivated lands. He then struck an average between the survey of the cultivated and the uncultivated lands, and observed that there would be only a penny difference between the two kinds of surveys.

MR. HENLEY said, that averages were always very deceitful. He could hardly believe that if the whole of Scotland was surveyed on the 6-inch scale, it would only cost a penny an acre less than the 25-inch scale. The noble Lord said that in Ireland the 6-inch survey had cost £1,100,000, while that of Scotland would only cost £900,000; but the noble Lord did not state the relative amount of acreage. He (Mr. Henley) had always thought the survey on a 25-inch scale a wasteful expenditure of money. He wished that an opportunity had been given of voting on this Estimate in Committee of Supply; but as the hon. Member for Mallow had taken a course in order to get the Vote reconsidered, he should be glad to vote for his Motion, for he could not see that any Scotchman had shown that any such advantage to Scotland would be derived from it, as to compensate for so great an inequality in the survey of the United Kingdom. Moreover, if it did really derive any superior advantages from the 25-inch scale, England and Ireland would no doubt ultimately demand the same, and it would be impossible to calculate the enormous amount of expenditure to which the country would ultimately be put.

LORD ELCHO said, that having been directly alluded to by the hon. Baronet who brought forward the Motion, and also by another hon. Member, who used the word "job," as if those who had been connected with the subject had been jobbing for the proprietors of Scotland, he wished to say a few words to explain the circumstances under which the 25-inch survey took its rise. This survey was commenced when he was a Lord of the Treasury in Lord Aberdeen's Government, and the right hon. Gentleman the Member for the University of Oxford, when Chancellor of the Exchequer, knowing that he had been Chairman of the Committee in 1851, referred papers to him, with a request that he would draw up a memorandum on the subject. The only question which the Committee of 1851 had to decide was whether the survey should be on the 6-inch or 1-inch scale, and the decision of that Committee completely exonerated him from the grave charge of jobbing for the proprietors of Scotland, with a view of getting a large map or plan of their estates at the national expense, for the Committee, composed of eleven Scotchmen and four other members, came unanimously to the decision that the 6-inch scale adopted in Ireland was so excessive and extravagant compared with the benefits likely to accrue, that they recommended that that 6-inch scale should be abandoned, and the 1-inch scale alone proceeded with. The result was, that the counties of Scotland not surveyed on the 6-inch scale thought it extremely hard the benefit conferred on Ireland, and also on a large portion of Scotland, should not be extended to them, and fifty-nine memorials from public bodies were presented to the Government urging the concession of the larger scale. The Government of the Earl of Derby partially acceded to the memorial and directed the counties of Haddington and Fife to be surveyed on the 6-inch scale. When the Government of the Earl of Aberdeen came into office they were in this difficulty—there was a Resolution of the Committee disapproving of the 6-inch scale, and the Government of the Earl of Derby yielding to the memorial of the Scotch landowners, and directing a partial survey upon that scale. What, then, were they to do? The question being referred to him by Lord Aberdeen's Government, he drew up a memorandum stating the whole history of the matter, which was to be found in the blue-book laid before Parliament His own opinion of the soundness of the recommendation remained unchanged, but from the pressure placed upon the Government by the counties of Scotland, and from the difficulty which they felt of refusing to all what had been conceded to some counties, he was unable to recommend the Government to carry out the recommendation of the Committee of 1851. Under these circumstances, he determined to apply to Colonel Dawson upon the subject—a most able and efficient member of the engineer corps, and one who had the greatest experience in matters of this description. He (Colonel Dawson) stated it as his opinion that the 6-inch scale adopted in Ireland, whatever might be its value there, was practically useless for England and Scotland, and recommended the course to be adopted, which, in his opinion, ought to have been adopted long ago, namely, to have a survey upon a much larger scale. The Law Amendment Society in the same way recommended a survey on a large scale, with the view to introduce a more simple and efficient system of conveyance of land. Lord Langdale also suggested the same course to be adopted. But for the purpose of obtaining the best information upon the subject that he could, he determined to communicate with the learned societies and various bodies which were likely to be well informed, and with the most distinguished members of the profession throughout the country. A series of questions were accordingly drawn up and forwarded to these parties. He received 152 replies, of which thirty-two were in favour of the 6-inch scale, and 120 proposed a larger scale, varying from 24 inches to 26¾ inches—the latter scale being that adopted by surveyors when valuing for property purposes. The weight of the opinion of these learned bodies and gentlemen had been questioned by the hon. Baronet (Sir D. Norreys) but he thought the House would be satisfied, when he read some of the names, that their opinions were entitled to the greatest weight. Among those who were in favour of the larger scale were the Registrar General, the Tithe Commissioners, Sir H. de la Beche, Mr. Brunel, Mr. Stephenson, Mr. Locke, Mr. Ramsay, the President of the Geological Society, the Poor Law Board, Earl Rosse, the Astronomer Royal of Edinburgh, the General Board of Health, the Statistical Society, &c. The *Law Magazine*, which might fairly be supposed to represent the general public, and not the Scotch landed proprietors, strongly approved of the course taken by the Treasury, and the conclusion at which they had arrived. He would not trouble the House by reading the voluminous reports given in favour of the larger scale, as they were all contained in the blue-book, but which he was afraid, from an observation let fall by the hon. Baronet (Sir D. Norreys), that he had not read. Well, what had been the course pursued by the Government? They had appointed a second Committee which had reported in favour of the 25-inch scale. The Treasury had adopted the recommendation of the Committee, and he trusted the House would not that evening reverse the decision at which the Treasury had arrived. He could understand the course which was taken by the hon. Gentleman the Member for St. Andrew's (Mr. Ellice), who said there ought not to be more than an inch survey, but he must confess he was totally at a loss to understand upon what principle the hon. Baronet the Member for Malton proceeded, inasmuch as every one of the objections which applied to a 25-inch scale were equally applicable to one of six inches, while the latter had scarcely any of the advantages which the former possessed. He had found in the library a volume constructed upon the 6-inch scale, from an inspection of which any hon. Member might see that the moment a departure from the 1-inch scale took place it was no longer a map but a plan which was produced. He might add that in the opinion of the most competent engineers the 6-inch scale was too small for a property plan and too large for a map. He might also observe that the Tithe Commissioners recommended the adoption of the large in preference to the 6-inch scale. The origin of the adoption of the latter scale was not because it was the best for all purposes, but because it was adapted to the peculiar circumstances of Ireland. But what was the evidence of Irishmen themselves upon that subject? Sir J. M'Neill, in giving evidence before the Select Committee which had sat in 1851 in favour of the 6-inch scale, had expressed his regret that a larger scale had not been adopted in Ireland. All he (Lord Elcho) asked the House was not to give its assent to the adoption of a scale which was suited only to special purposes, but to adhere to one which would be found useful for all time and for every purpose. The question, in short, resolved itself into the old story of "Brown Bess" and the Enfield rifle, and would, he trusted, be disposed of in a similar manner. When the latter weapon was introduced there were letters from all quarters in favour of "Brown Bess," and it was urged that it had won the battle of Talavera; but fortunately those counsels were not attended to, and the superiority of the rifle as a national weapon for all purposes was now abundantly recognized. He should observe, in reference to the Estimates of Colonel Hall, that they were merely theoretical, while those of Colonel James were of a practical character. These Estimates confirmed the estimates of Colonel Hall, and established the fact that this survey, instead of 2*s.* might be done for 1*s.* an acre. The question, therefore, was whether the House would not pay a little more to have a really good and efficient survey, instead of the inefficient survey of the Irish scale? As to the relative cost, he had the authority of the Superintendent of the survey for stating that the difference would not be more than £50,000. He had the same authority for stating that if this survey were extended to England it would cost £1,500,000. The Scotch survey was commenced in 1809, and the Irish survey in 1824. It must be remembered that for the sake of the Irish survey the Scotch survey had been stopped for fifteen years, and the Scotch were, therefore, now justified in asking the House to finish their survey before they went back to Ireland. The survey in England was originally a general survey for military purposes, and was progressing from the southern to the northern counties when it was interrupted by the Irish 6-inch survey. Thus, the six northern English counties were still unsurveyed. The fault he found with the Motion of the hon. Member for Mallow was that it did not go to the bottom of the subject, for he (Lord Elcho) thought that it had been brought forward in ignorance that the English survey was now proceeded with on the 25-inch scale. It said not a word about the survey of England, and if the Resolution were agreed to the 25-inch survey would be stopped in Scotland, and might go on in England. In adopting the 25-inch scale, this country was only following the example set by the Continent during the last forty or fifty years. He trusted, therefore, that the House would sanction the continuance of a system which would be of the greatest public benefit, and which would enable transfers of property to take place from the map. He asked the House to believe that those who were responsible for the 25-inch survey had been actuated by no other motive than an anxious desire to do what was best for the public. This scale had been in operation in France for many years, where it had first been projected in 1793, and it was also in use in Wirtemberg, Bavaria, and the Continent generally, while in 1853, a statistical congress assembled at Brussels, which resolved that a survey of twenty-five inches to a mile was the smallest survey for national purposes that could be adopted with advantage. He held in his hand a blue-book containing a paper by Mr. Vignolles, the celebrated engineer, who enumerated eighteen purposes to which a survey on the large scale could be applied. Mr. Vignolles said that most of the countries of Europe had paid attention to the subject of national surveys and possessed detailed maps, constituting the basis upon which all proceedings were taken in respect to landed property and assessments for local and general purposes. The large scale of survey had met with the sanction of the most intelligent and scientific public bodies in the kingdom. It had been sanctioned by a Committee of the House of Commons, and last Session it had been sanctioned by the House itself, by a majority of 91 votes.

Mr. JOSEPH LOCKE said, that discussing such a question as this on the report of supply was very much like locking the stable door after the steed was stolen. If he had seen a way of stopping the expenditure on this large scale he should have been glad to do so; but as he had heard from the noble Lord that if the expenditure were suddenly stopped we should be involved in further difficulties, he should have great hesitation in the vote he should give. He happened to have been a member of the Committee of 1851, which resolved to stop the 6-inch scale and to adopt the 1-inch scale. He believed that the agitation in favour of the 25-inch survey, which had led to all the confusion that had arisen since the Report of that Committee on this question, had been very much got up by the officers of the Ordnance Department, whose opinions were not adopted on that occasion, and he thought it scarcely becoming in the officers of a public department to set aside the authority of a Committee of that House, and the proceedings of the Treasury founded on the Report of that Committee. In answer to a circular which had been sent to him, in common with other professional men, he had expressed the opinion that for such local purposes as drainage, transfer of land, tithe commutation, poor law assessment, &c., a survey on a scale of twenty inches would suffice; but that, as to engraving for publication, he did not see the necessity for anything more costly than a 1-inch map. To that opinion he still adhered. No doubt, if the owner of a field wished to lay out his land for buildings, he must have it surveyed on a large scale; but the question was, "Ought the public to go to the expense of providing such a survey for him?" It was with a survey for general, and not for special purposes, that that House had alone to do; and there was not a man connected with his profession who did not feel that a 1-inch map was the best they could have for the general public. It was proved before the Committee that the 1-inch survey for Scotland would cost only £250,000, whereas the expense of the 6-inch scale would be £850,000. Another advantage of the 1-inch survey, besides its cheapness, was that it could be finished in much less time. He believed that no man now living would see the completion of the Scotch survey on its present scale. There were two modes of executing these surveys. The one was by marking on the maps fixed points, such as the crossing of roads, the confluence of streams, the passage over particular mountains, &c. The other was by what was called "contouring"—a very difficult and expensive system. The hon. Member here explained the process of contouring, as applied to the survey of mountains, and quoted the authority of Lieutenant Colonel Dawson to prove that it was impossible to make contour maps accurate, and that, even if accurate, they would be useless. He wished to ask, was this contouring to proceed, or was it not? If it were to proceed, what limit was the Government to fix upon its cost? Unless they knew what it would cost, they ought to stop it at once. He (Mr. Locke) was entirely in favour of maps with fixed levels, and, like Colonel Dawson, decidedly opposed to the system of contouring. They had the cadastral maps of France and other States paraded before them, but none of those countries had maps on the scale of twenty-five inches to the mile; in fact, France had not a map published equal to our own one inch one. He also wished to know distinctly whether or not all the engraved maps were to be confined to the 1-inch scale?

The LORD ADVOCATE said, he thought it very desirable that the House should understand the precise question which it had to decide. The Motion originally placed on the table by the hon. Baronet was clear and intelligible. Now, however, by proposing to reduce the Estimate by the amount asked for the Scotch survey, he had left the House in the greatest possible uncertainty as to what was to be done on this subject. If they were to have a national survey at all, surely the wisest course was to have it executed on the plan best adapted to their objects, provided they could afford the expense. But the very worst plan of all was one which was constantly changing, and by which what they built up in one year they pulled down the next, thereby incurring an expenditure which was wholly profitless. The hon. Baronet who introduced the discussion eulogized the 6-inch scale, as applied to Ireland, and treated the 1-inch scale with contempt. The hon. Gentleman who spoke last, however, pronounced as strongly against the 6-inch scale as against the 25-inch. The question they had to determine was not the abstract merits of different scales, but what was best to be done to finish a survey which was now in progress, and on which a considerable outlay had already been incurred? Of the cultivated districts of Scotland two-thirds had already been surveyed, some upon the 6-inch, and some upon the 25-inch scale. With regard to the expense involved, the most extraordinary statements had gone forth. It had been said that it would cost three, four, or five millions sterling; but the fact was, that it would not come to so much as the Irish survey; the latter having cost £1,290,000, whilst the former would not exceed the sum of £1,000,000. In some respects, too, a 1-inch scale was more expensive than a 25-inch scale, because on the former skilled persons had to be employed, whereas on the latter, which was inferior work, inferior workmen and boys could be employed with perfect safety. His noble Friend (Viscount Duncan) had scattered to the winds the unjust imputation that a 25-inch scale was desired by the Scotch proprietors, in order that they might obtain maps of their estates at the public expense. Besides, this imputation betrayed the ignorance of those who used it, as to what the survey was. It was never meant for a map, and therefore this imputation could not apply. Some hon. Gentlemen had talked of a 25-inch scale as an enormity and an absurdity, but France, Bavaria, and Belgium had been surveyed on that scale. The 25-inch scale was never meant for a map. One inch was the proper scale for a map; but nothing less than a 25-inch scale survey could show the details of a country. It was said that, although continental countries had made 25-inch scale surveys, yet they were never published. That was true; the expense would be too great. But copies of those surveys might be obtained at a very trifling expense by the anastatic process. The Ordnance survey of England had been taken upon a scale so minute that the Tithe Commutation Commissioners found it was useless for their purposes; and, in addition to the £2,000,000 which they had expended on a survey upon a scale of 26¾ inches, £1,500,000 had been expended by the Enclosure Commissioners. He believed that much money would have been saved by the railway proprietors in this country if there had been an Ordnance survey of it upon a large scale some years ago. The hon. Baronet (Sir D. Norreys) had stated, in a tone of indignation, that all the Members who had sat upon the Scotch survey question were Scotchmen; but he appeared to have forgotten that Lord Monteagle (then Mr. Spring Rice) presided over a Committtee comprizing fourteen Irish Members with reference to the Irish survey. It should be remembered, at the same time, that this survey originated with a Committee of the House. Even the 6-inch survey of Ireland was described in the Parliamentary Report as one of the most useful acts of practical legislation which had ever been effected for that country. This survey having been completed, then came the Scotch and English surveys; and perhaps it might not be known to some hon. Members, that the survey of England went on with that of Scotland, and at a rather quicker pace. The scale in the two countries varied together from the 6-inch to the 25-inch scale, and 9,349 miles of England had been surveyed, 1,407 of them being on the 25-inch scale, while only 8,000 miles had been surveyed in Scotland. The real question for the House to consider was, whether they would pursue a retrograde course on this question. The staff of surveyors was now at work; all the preparations were made for continuing the Scotch survey on the 25-inch scale, which would admit of the most minute admeasurements, and he asked the House whether it would be worth while once more to change the system adopted for the sake of saving some £50,000, the work which would then be produced being one which would not be creditable to the country. He trusted the House would look upon this as a national question. If there was to be a survey at all, let it be the best they could procure, and he believed that the money would be found well spent.

Colonel BOLDERO wished to remind the hon. Member that the map on the large scale which he mentioned, for England, had been defrayed out of the pockets of private gentlemen. As for the opinion of Colonel Dawson, one of the best surveyors, no doubt, in England, that gentleman spoke rather as a tithe commissioner than as an engineer. On the contrary, all the engineers disapproved of a map on this immense scale, and Colonel Dawson stood alone. The reason for applying the 6-inch scale to Ireland was, the unsatisfactory condition of that country at the time. It was over populated, and the gentry dare not survey their own estates for fear of exciting the suspicion of the peasantry; therefore the Government stepped in, and surveyed the whole. That survey of Ireland was, he believed, one of the most useful, perfect, and complete which any kingdom in the world possessed; and even as regards the Ordnance survey of England, he must remind hon. Members who spoke against it, that engineers were now content to walk a hundred miles over the ground with an Ordnance map in their hand, and to come afterwards before them in Committee to give their opinion. That showed the usefulness of the map.

MR. E. ELLICE (St. Andrew's) said, he would not discuss the question whether Scotland was to have an estate plan or not, but if the House thought proper to provide, at the public expense, detailed maps of all the estates in Scotland, he had no doubt Scotchmen would be very glad to avail themselves of those maps. The inevitable consequence of such a decision must, however, be the extension of the same system to England and to Ireland, which, according to Sir C. Trevelyan, would involve an expenditure of some £4,000,000 or £5,000,000, although he (Mr. Ellice) was disposed to believe that if that amount were doubled it would not be an exaggerated estimate. The Lord Advocate had stated that two-thirds of Scotland were to be surveyed upon the 6-inch scale, but he (Mr. Ellice) would ask any one acquainted with that country what possible benefit could result from surveying uncultivated and mountainous districts upon such a scale? He knew that the survey already published included the estates of his hon. Friend the Member for Ross, who was probably the only person who had purchased a copy, and that copy had been placed in a cellar, because it was so large that it was perfectly useless. He (Mr. Ellice) considered that the survey of the mountainous districts of Scotland upon a 6-inch scale involved a most unjustifiable waste of public money. The Report of the Committee of 1851, of which his noble Friend (Viscount Duncan) was Chairman, denounced the 6-inch scale, but that noble Lord was now supporting the Lord Advocate in an attempt to saddle the country with the expense of maps which could be of no possible use. If, however, the application of a 6-inch scale to the islands of Scotland was objectionable, how much more absurd was the adoption of a 25-inch scale! Yet, in defiance of the engagements which had been entered into with the House, the 25-inch scale was adopted with regard to the islands of Scotland. He was speaking upon the authority of a Return made by order of the House, from which he found that the island of Harris, in Inverness-shire, was being surveyed and plotted upon a scale of 25 inches to the mile. He could not conceive anything more absurd than applying a scale of 6 inches, much more 25 inches, to that island, and he thought the House was justified in complaining that its wishes had not been carried out by the Treasury. The survey of Scotland seemed to be in a state of utter confusion, and he thought the best course would be either to prepare a map on a 1-inch scale, or to apply the 25-inch survey to the cultivated districts, and carry it out upon a regular system. He found that, in consequence of the diminution of the Vote, no less than 650 men who had been engaged upon the Ordnance survey, and who were trained to the work, had been discharged, and the services of about 200 more would be dispensed with at the end of this month. He thought this was injudicious, because as the survey had been commenced it ought to be completed efficiently. He would suggest that in those counties of Scotland where the survey had not been commenced it should be conducted on the scale of 2 inches to the mile, but that where it had been commenced upon the 25-inch scale it should be proceeded with only to such an extent as was necessary to furnish materials for maps upon a reduced scale of 1 inch.

VISCOUNT PALMERSTON: Of all the difficulties which I remember the greatest would be that in which the Government would be placed if the Motion of my hon. Friend the Member for Mallow (Sir D. Norreys) were carried. We are told that if that Motion should be agreed to it would be the duty of the Government to withdraw this estimate, to present another, and to carry into effect the wishes and opinions of the House. Now, I defy any man who has listened to this discussion to know what is the opinion and what are the wishes of the House, for almost every hon. Gentleman who has spoken has had a different opinion upon the matter in question. My hon. Friend who made the Motion condemns the 25-inch survey and the 6-inch survey, with a view to a 1-inch map, and is for a 6-inch survey and a 6-inch map. The hon. Baronet who spoke on the other side (Sir W. Jolliffe) is for a larger scale for England. My hon. Friend who last addressed the House is for nothing but a 2-inch survey and a

1-inch map. It would be utterly impossible for any Government acting upon this debate to know what in the world they should do, and it would end in their doing nothing. The only result at which we could arrive would be to stop the survey altogether, to have no map, to leave that part of Scotland which has not yet been finished entirely unsurveyed. I must entreat the House to discard those enormous exaggerations which have been used by hon. Gentlemen who have supported this Motion. We are told that this 25-inch survey is to cost I do not know how many millions, and that if completed for that kingdom it must be applied to England, which will cost £4,000,000 or £5,000,000 more. It is true that if this survey succeeds in Scotland it may be wished for in England, but it cannot be carried out without the consent of this House embodied in a Vote; and, therefore, if hon. Gentlemen think that it would be an improvident application of the public money to re-survey the whole of England upon the larger scale, it is perfectly ridiculous to tell the House that that must be the necessary consequence of completing the work which is in progress in Scotland. I think it was a great misfortune and a great waste of public money that the survey of England was conducted upon so small a scale. I differ in opinion from those who think that a 1-inch map is sufficient for all purposes. It would be much better if the map of England had been on a 2-inch scale; but that is done. We are not talking about the re-survey of those parts of England which have already been surveyed. The House must remember, however, that this is not simply a Scotch question, because the northern counties of England are being surveyed upon the same scale as the cultivated parts of Scotland. Therefore, this is an English as well as a Scotch question. It is a national question, and one in which the whole country is interested. It has been admitted that the 2-inch survey with a view to a 1-inch map is totally insufficient for the populous districts of England; and there we have been obliged to have a 6-inch map. I have seen that 6-inch map, and I defy any man to say that in places where houses are thick, the divisions numerous, and the country thickly populated, that map is satisfactory for any purposes but those of a common map. If we are to have a survey of the country, surely it is best that it should be sufficient for all the purposes to which a survey can be applied. The hon. Member for Honiton (Mr. Joseph Locke) asked whether we intended to publish a 25-inch, or only a 1-inch map? Undoubtedly it is not intended to publish in the ordinary sense of the word a map on the 25-inch scale, but my hon. Friend knows that scientific improvements enable you to obtain copies of that 25-inch map at so cheap a rate that a very few purchases will repay the cost of their transference. For the purposes of the general public it is not intended to do more than to publish a map on the 1-inch scale, similar to that which has been published for England. When we are told of the space which these maps would cover, I should like to ask hon. Gentlemen whether they know of any room which is sufficiently spacious to allow the 1-inch map for England to be spread on its floor? That is no test of the utility of a map. The 25-inch map is not intended to be put together in a room or to be spread out upon a table. It is in sheets, and these sheets are available for those who want them. I should like to know what area any one would think sufficient for the spreading out of the map of Ireland. My hon. Friend behind me (Mr. Ellice) says that it is absurd to survey and plot down the uncultivated districts of Scotland upon this 6-inch scale, but that has been done with the whole of Ireland, and there are in Ireland large districts as totally devoid of enclosures and of marked objects as are the highlands of Scotland. The island of Harris is not surveyed on the 25-inch scale. It is surveyed, as I understand on the best authority, only on the 6-inch scale. That survey is carried on in conjunction with the hydrographical survey carried on by the Admiralty both on the coast and inland, and the only portions surveyed on the large scale are the small patches to which my hon. Friend has referred. I do entreat the House not to give way to that vacillation of purpose which would be indicated by the adoption of the Motion of my hon. Friend the Member for Mallow. There have already been too many changes in the arrangements as to the survey of Scotland. The difference between the expense of the 25-inch survey and that of the plan which my hon. Friend the Member for Mallow recommends, is stated not to be more than £100,000 for the whole of Scotland, not more than £50,000 for what remains to be done; and will the House, for the sake of £50,000, mar a great national work, and deprive a large part of Scotland of the advantages which must result from the 25-inch survey? It is said that this is only for Scotland and for the landowners of Scotland. Why, what is Scotland, except a very important part of the United Kingdom? If hon. Gentlemen go on arguing that nothing is to be done at the public expense for any part of the United Kingdom, they entirely put an end to public works and reduce all our operations to parish undertakings. Let each parish pay its own expenses, and never let the public go beyond the bounds of these small divisions. If England had been surveyed upon the 25-inch scale, we should have saved the two millions of money which were spent on the maps for the tithe commutation. It is said that these maps were paid for by private individuals. Private individuals! Why, they were paid for by all the counties and parishes of England. They were paid for by the community, and it is the same thing to those who pay whether they pay by a county rate or by a general tax.

MR. HENLEY: The tithe maps were not paid for out of the county rates.

VISCOUNT PALMERSTON: I may have made a mistake as to that, but they were paid for by the owners of all the lands in the parishes, and the owners of all the lands in all the parishes in England are a pretty large portion of the community, and may, without exaggeration, be called a very important part of the public. I am told that the sums thus paid for surveys of no earthly use, except for parish objects, exceed the amount which, if properly applied, would have sufficed for the completion of a national work which would have been available for all purposes. I therefore hope that the House will not agree to the Motion of my hon. Friend. I may state, that it is intended to go on with the 1-inch map as soon as possible, and we hope that in a very few years we shall be able to finish the survey of Scotland, and to publish a complete 1-inch map.

MR. TITE, who with difficulty made himself heard, said, he wished to explain that the expense which had been referred to was not the expense of the survey, but the expense of drawing, engraving, and printing maps on a large scale. The fact was, that the 6-inch scale was large enough for all practical purposes; and when they came to plot, to engrave, and to print upon the 25-inch scale, he believed that the estimate which had been spoken of would be enormously exceeded.

Question put, "That £151,744 stand part of the Resolution."

The House *divided*:—Ayes 162; Noes 172: Majority 10.

On Question that £115,744 stand part of the Resolution.

MR. BLACKBURN said, that he should take the sense of the House upon the question. As the progress of the Scotch scale would be entirely stopped by the decision to which the House had just come, it would be but fair that the English survey also should be stopped, and he thought, therefore, that the Vote should be reduced by £24,430, the amount charged in the Estimate for the expenses of the English survey for this year.

Question put, "That £115,744 be inserted instead thereof."

The House *divided*:—Ayes 290; Noes 22: Majority 268.

LORD ELCHO wished to put before the House the position in which the question now stood. It was first decided by a majority of ten that the 25-inch scale should not be continued in Scotland. The next question that arose was, what was to be the Vote for the survey in England. An hon. Gentleman moved that the Vote for England should be reduced by a certain sum, his object being to spite England for what had been done in the case of Scotland, and the result was, that a principle which was negatived in the case of Scotland was affirmed in that of England. He had nothing further to add, except that he congratulated the House on the position in which it had placed itself.

SIR DENHAM NORREYS said, he fully accepted the interpretation which the noble Lord had put upon the matter. He accepted the first Vote as a condemnation of the 25-inch scale, not only in Scotland but everywhere. He trusted that it would not now be carried out, either in Scotland or in England. The noble Lord (Viscount Palmerston) had stated that the 25-inch scale was being carried out in Durham, and had taunted him with the absurdity of the course he had pursued on that account. He did not know on what authority the noble Lord made that statement; but the Ordnance map appended to the Estimate was headed thus: "Index to the Ordnance Survey of England and Wales, on the Scale of Six Inches to the Statute Mile." That was his justification for having voted as he had done in the last division, for had he believed that the 25-inch scale was being carried on in England he should not have opposed the Vote for the same scale in Scotland.

Mr. HENLEY believed that the House had intended to put a stop to the 25-inch scale for England as well as for Scotland. When it was proposed to reduce the Vote by £34,000, it was plainly stated that the effect of that Amendment being carried would be, that the Government would have to bring up an amended Estimate, and it was supposed that in that Estimate they would reduce the survey for both countries.

Mr. BLACKBURN said, that he must repudiate the construction of desire to spite England, which had been put upon the Amendment he had proposed. Although it was quite true the map to which his hon. Friend the Member for Mallow referred was on the 6-inch scale, there must be some mistake, because Colonel James told him only an hour ago he had never seen it.

Mr. STEUART wished to know in what sense the Government interpreted the two divisions which had taken place.

Viscount PALMERSTON said, that he would shorten the discussion by saying that the Government looked upon the first Vote at which the House had arrived as implying that the opinion of the House was, that no further surveys should be made upon the 25-inch scale. When a survey had been already made upon that scale, as he believed was the case in the county of Durham, it would, of course, remain as a matter of record; but he interpreted the Vote of the House as implying that no further survey ought to be made upon that scale.

Mr. E. ELLICE (St. Andrew's) said, that the document appended to the Estimates was calculated to mislead the House. It was on the 6-inch scale, and now they were told that the gentleman who had charge of the survey knew nothing about it, although it was made under himself, and the map had his name attached. Mr. Soffit, an eminent mining engineer, declared before the Committee of which he (Mr. Ellice) was a member, that a map of twenty-five inches to the mile would be inadequate for mineral property, and that a map of eleven feet per mile, or something like that, would be required. They had this fact before them, that Estimates were made and put before the House on one scale of survey, whilst the Ordnance had been conducting a 25-inch survey, and that apparently without the knowledge of the Treasury?

Mr. ROEBUCK wished to ask Mr. Speaker a question upon a matter of form. The House was now called upon to affirm a Vote supposed to have been arrived at by some Committee, but there was no Committee then sitting.

Mr. SPEAKER said, the business before the House was the bringing up of a Resolution of a Committee of Supply. What the House had done was this—to amend the Resolution passed in Committee of Supply. The question he had to put, therefore, was, that the House agree with the Resolution of the Committee so amended.

Resolution, as amended, *agreed to.* Subsequent Resolutions *agreed to.*

ECCLESIASTICAL CORPORATIONS BILL.

SECOND READING.

Order for Second Reading read.

The Marquess of BLANDFORD said, here were two Bills on the paper standing for a second reading, which had similar objects in view; the one was the Ecclesiastical Corporations Bill, and the other the Ecclesiastical Commission, &c., Bill. He proposed that both Bills should be read a second time, and that one of them should be committed *pro formâ*, with a view to having them both consolidated into the one Bill. He would move the second reading of the one immediately under consideration.

Sir GEORGE GREY said, he thought it would be much better to amalgamate the two Bills as far as it was possible, and concurred in the suggestion of the noble Marquess.

Mr. MOWBRAY said, he thought the House ought to know whether the Government would support the Bill of his noble Friend. For himself, he would say that he had no objection to the Bill being read a second time then, on the understanding that the discussion should take place on the Motion for going into Committee.

Mr. HENLEY said, he thought the Government was not treating the House very fairly in asking it to assent to the second reading of two Bills by no means analogous in character. He had always protested against this *pro formâ* style of doing business; and he thought it would be much better to adhere to the forms of the House, and take the discussion upon the second reading. Otherwise, he thought that the better course would be that both Bills should be withdrawn, and one brought in with the sanction of the Government, on which the noble Marquess could move any Amendment he thought proper.

MR. NEATE gave notice of his intention to move the insertion of a clause rigidly defining the rights of lessees under the Commissioners.

SIR HENRY WILLOUGHBY said, he concurred in the view taken by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley), that it would be much better to adhere to the old rules of the House, and discuss the principle of the Bill upon the second reading.

MR. WALPOLE said, he would venture to make a suggestion to the House. Let the two Bills be read a second time now, and then referred to a Select Committee. The Committee would be in a position to frame one Bill out of the two, and then it would be competent for the House to discuss the general principle when the new Bill came before them.

LORD JOHN MANNERS said, he thought the recommendation of his right hon. Friend was a very wise one. He must say, he found this great fault with the Bill of the right hon. Gentleman opposite, that it perpetuated the interference of the Ecclesiastical Commission with the property of all the bishops in England. He hoped that ample opportunity would be yet afforded to discuss the principle of the two Bills.

VISCOUNT PALMERSTON said, he would offer no objection to the adoption of the suggestion of the right hon. Gentleman (Mr. Walpole). Of course, when the Bill came out from the Committee, full opportunity would be afforded to discuss the whole question involved.

Bill read 2°, and committed to a Select Committee.

MARRIED WOMEN'S REVERSIONARY INTEREST BILL—COMMITTEE.

Order for Committee read. House in Committee.

Clause 1.

MR. DOBBS said, the Bill as it stood would interfere with all contracts subsisting between persons already married, and was, therefore, an *ex post facto* law. He proposed, as an Amendment on

"Page 1, Clause 1, lines 5 and 6, leave out 'from and after the passing of this Act it shall be lawful for every married woman,' and insert 'it shall be lawful for every married woman who shall be married after the passing of this Act.'"

MR. MALINS said, the Amendment would destroy every virtue of the Bill, which only applied to a married woman's personal property, the same rule as applied to her real property.

SIR ERSKINE PERRY objected to the principle of the Bill, which had never been fairly discussed. He regarded the measure as one rather for the benefit of husbands than of wives. He had himself introduced a Bill upon the subject, which stood for second reading on Wednesday next, and he would suggest that his Bill should be referred, with the hon. and learned Gentleman's, to a Select Committee.

Amendment *negatived.*

SIR ERSKINE PERRY moved the Amendment, of which he had given notice, namely:—

"Clause 1, line 9, after 'feme sole,' insert 'Provided always, that where any such future or reversionary interest is sold, the proceeds of the sale shall be paid to and held by such married woman to her own use as if she were a feme sole.'"

MR. MALINS said, the Amendment was quite unnecessary, because the wife could refuse to agree to the sale unless the proceeds were disposed of as she wished.

Amendment *withdrawn.*

Clause 1, and following Clauses *agreed to.*

The House resumed.

Bill *reported;* as amended, to be considered on *Monday* next.

House adjourned at a quarter before Two o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXLV.

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EXPLANATION OF THE ABBREVIATIONS.

1*R*. 2*R*. 3*R*. First, Second, or Third Reading.—*Amend*., Amendment.—*Res*., Resolution.—*Com*., Committee.—*Re-Com*., Re-committal.—*Rep*., Report.—*Adj*., Adjourned.—*cl*., Clause.—*add. cl*., Additional Clause.—*neg*., Negatived.—*l*., Lords.—*c*., Commons.—*m. q*., Main Question.—*o. q*., Original Question.—*o. m*., Original Motion.—*p. q*., Previous Question.—*r. p*., Report Progress.—*A*., Ayes.—*N*., Noes.—*M*., Majority.—*1st Div*., *2nd Div*., First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

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